



Iowa General Assembly
Daily Bills, Amendments and Study Bills
April 04, 2012

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Senate File 2293

H-8415

- 1 Amend Senate File 2293, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 3, line 34, by striking <premium> and
- 4 inserting <premium, less claims paid,>

PETTENGILL of Benton



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House File 2462

H-8416

- 1 Amend House File 2462 as follows:
2 1. Page 1, before line 16 by inserting:
3 <Sec. _____. Section 260C.14, Code 2011, is amended
4 by adding the following new subsection:
5 NEW SUBSECTION. 23. Commence the fall schedule
6 of its classes no sooner than the earliest start date
7 for elementary and secondary schools as specified in
8 section 279.10, subsection 1.
9 Sec. _____. Section 262.9, Code Supplement 2011, is
10 amended by adding the following new subsection:
11 NEW SUBSECTION. 36. Direct the institutions it
12 governs to commence the fall schedule of their classes
13 no sooner than the earliest start date for elementary
14 and secondary schools as specified in section 279.10,
15 subsection 1.>
16 2. Title page, by striking line 1 and inserting
17 <An Act relating to the fall class start dates for
18 school districts, community colleges, and state board
19 of regents institutions,>
20 3. By renumbering as necessary.

FORRISTALL of Pottawattamie

HEIN of Jones



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Senate File 2293

H-8417

- 1 Amend the amendment, H-8414, to Senate File 2293,
2 as amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 7, line 21, by striking <held invalid>
5 and inserting <found to be invalid, or in conflict or
6 inconsistent with federal law,>
7 2. Page 7, line 23, by striking <invalidity> and
8 inserting <invalidity, conflict, or inconsistency>
9 3. Page 7, line 25, by striking <invalid> and
10 inserting <invalid, conflicting, or inconsistent>
11 4. Page 7, line 27, by striking <valid> and
12 inserting <valid, nonconflicting, or consistent>

PETERSEN of Polk



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House File 609

H-8418

1 Amend the Senate amendment, H-8388, to House File
2 609, as passed by the House, as follows:
3 1. Page 1, after line 4 by inserting:
4 <____. Page 1, after line 4 by inserting:
5 <Sec. _____. Section 557.7, Code 2011, is amended to
6 read as follows:
7 **557.7 Contingent remainders.**
8 A Except as provided in section 558.68A, a
9 contingent remainder shall take effect, notwithstanding
10 any determination of the particular estate, in the same
11 manner in which it would have taken effect if it had
12 been an executory devise or a springing or shifting
13 use, and shall, as well as such limitations, be subject
14 to the rule respecting remoteness known as the rule
15 against perpetuities, ~~exclusive of any other supposed~~
16 ~~rule respecting limitations to successive generations~~
17 ~~or double possibilities.~~
18 Sec. _____. **NEW SECTION. 558.68A Exception to rule**
19 **against perpetuities.**
20 1. Notwithstanding section 558.68, a rule of
21 law against perpetuities, a suspension of the power
22 of alienation of the title to property, or a law
23 restricting or limiting the duration of trusts shall
24 not apply with respect to any interest in real or
25 personal property held in trust if the instrument
26 creating the trust specifically states that such rule
27 or the provisions of section 558.68 shall not apply
28 to the trust and if either the trustee of the trust
29 has unlimited power to sell all trust assets or if one
30 or more persons, one of whom may be the trustee, has
31 unlimited power to terminate the entire trust.
32 2. A trust of real or personal property created
33 by an employer as part of a stock bonus plan, pension
34 plan, disability or death benefit plan, or profit
35 sharing plan, for the benefit of some or all the
36 employer's employees, to which contributions are made
37 by the employer or employees, or both, for the purposes
38 of distributing to the employees or their beneficiaries
39 the earnings or the principal, or both, of such
40 trust is not invalid as violating the rule against
41 perpetuities or any other law restricting or limiting
42 the duration of trusts; but the trust may continue for
43 the time that is necessary to accomplish the purposes
44 for which it was created.
45 3. Subsection 1 shall be effective for interests
46 in real or personal property in trust created by an
47 inter vivos or testamentary trust or will executed on
48 or after July 1, 2012, or pursuant to the exercise of
49 a general power of appointment created on or after
50 July 1, 2012. For the purposes of this subsection,

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1 *"general power of appointment"* means a power that is
2 exercisable in favor of the individual possessing the
3 power, the person's estate, the person's creditors, or
4 the creditors of the person's estate.>>
5 2. Page 5, line 36, after <including> by inserting
6 <trusts of real or personal property,>
7 3. By renumbering as necessary.

BALTIMORE of Boone



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House File 2461 - Introduced

HOUSE FILE 2461
BY HELLAND

A BILL FOR

1 An Act relating to legal actions involving nuisances affecting
2 agriculture.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5739YH (3) 84
da/sc



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H.F. 2461

1 Section 1. NEW SECTION. 567B.1 Title.

2 This chapter shall be known and may be cited as the "*Iowa*
3 *Right to Farm Act*".

4 Sec. 2. NEW SECTION. 567B.2 Definitions.

5 As used in this chapter, unless the context otherwise
6 requires:

7 1. "*Animal feeding operation*" means the same as defined in
8 section 459.102.

9 2. "*Farm operation*" means any tract of land over ten acres
10 in area used for or devoted to the commercial production of
11 farm products.

12 3. "*Farm product*" means a plant or animal useful to humans
13 and includes but is not limited to any of the following:

14 a. Forages and sod crops.

15 b. Grain and feed crops.

16 c. Dairy and dairy products.

17 d. Poultry and poultry products.

18 e. Livestock, as defined in section 10.1, including
19 livestock used for breeding or grazing.

20 f. Fruits, vegetables, flowers, seeds, grasses, and trees.

21 g. Fish.

22 h. Honey.

23 i. An item which incorporates the use of food, feed, fiber,
24 or fur.

25 4. "*Grain warehouse*" means a warehouse as defined in section
26 203C.1 that is used to store grain for longer than ten days,
27 including but not limited to any structure consisting of one
28 or more warehouse sections that are considered as a single
29 delivery point with the capacity to receive, load out, weigh,
30 and store grain.

31 Sec. 3. NEW SECTION. 567B.3 Farm operations and grain
32 warehouses not a nuisance.

33 A farm operation or grain warehouse shall not be found to be
34 a public or private nuisance if all of the following apply:

35 1. The farm operation or grain warehouse existed before

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1 a change in the land use or occupancy of land claimed to be
2 affected by the farm operation or grain warehouse.
3 2. Before the change in land use or occupancy as described
4 in subsection 1 occurred, the farm operation or grain warehouse
5 would not have been a public or private nuisance.

6 Sec. 4. NEW SECTION. 567B.4 Animal feeding operations.

7 An animal feeding operation which is located on any tract of
8 land of ten or fewer acres is not a public or private nuisance
9 if all of the following applies:

10 1. The animal feeding operation employs reasonable
11 techniques to keep dust, noise, insects, and odor at a minimum.

12 2. The nuisance action is brought by or on behalf of a
13 person whose date of lawful possession of the land claimed to
14 be affected by the animal feeding operation is subsequent to
15 the date that the animal feeding operation was established.

16 a. For a confinement feeding operation which includes
17 a confinement feeding operation structure requiring a
18 construction permit pursuant to section 459.303, the date of
19 establishment shall be the date that the department issues a
20 permit for the construction of the first confinement feeding
21 operation structure.

22 b. For an open feedlot operation which includes a settled
23 open feedlot effluent basin or alternative technology system
24 requiring a construction permit pursuant to section 459.303,
25 the date of establishment shall be the date that the department
26 issues a permit for the construction of the first open feedlot
27 effluent basin or alternative technology system.

28 EXPLANATION

29 This bill establishes an "Iowa Right to Farm Act" which
30 applies to farm operations located on more than 10 acres and
31 grain warehouses. The bill provides that a farm operation
32 or grain warehouse is not a private or public nuisance if it
33 existed before a change in the land use or occupancy of land
34 claimed to be affected by the farm operation and before the
35 change occurred, the farm operation or grain warehouse would

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1 not be considered a nuisance. The bill also provides similar
2 protections for an animal feeding operation which is located on
3 any tract of land with 10 or fewer acres. The animal feeding
4 operation is not a public or private nuisance action if it
5 employs reasonable techniques to keep dust, noise, insects, and
6 odor at a minimum and the action is brought by a party whose
7 date of possession of land claimed to be affected by a nuisance
8 is subsequent to the date that the animal feeding operation was
9 established.



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House File 2462 - Introduced

HOUSE FILE 2462
BY COMMITTEE ON WAYS AND MEANS

(SUCCESSOR TO HSB 671)

A BILL FOR

1 An Act relating to early school start date provisions,
2 establishing a waiver application fee, making an
3 appropriation, and including effective date and
4 applicability provisions.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TL5B 6111HV (2) 84
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1 Section 1. Section 257.17, Code 2011, is amended to read as
2 follows:

3 **257.17 Aid reduction for early school starts.**

4 State aid payments made pursuant to section 257.16 for a
5 fiscal year shall be reduced by one one-hundred-eightieth for
6 each day of that fiscal year for which the school district
7 begins school before the earliest starting date specified in
8 section 279.10, subsection 1. However, this section does
9 not apply to a school district that has received approval
10 from the ~~director of the~~ department of education ~~under for~~
11 a pilot program for an innovative school year in accordance
12 with section 279.10, subsection 4 3, or to commence classes
13 for regularly established elementary and secondary schools in
14 advance of the starting earliest start date established in
15 accordance with section 279.10, subsection 1 4.

16 Sec. 2. Section 279.10, subsections 1, 2, and 4, Code 2011,
17 are amended to read as follows:

18 1. The school year shall begin on the first day of July
19 and each regularly established elementary and secondary school
20 shall begin no sooner than ~~a day during the calendar week in~~
21 ~~which the first day of September falls 1,~~ but no later than
22 the first Monday in December. ~~However, if the first day of~~
23 ~~September falls on a Sunday, school may begin on a day during~~
24 ~~the calendar week which immediately precedes the first day of~~
25 ~~September, unless the school district has received approval~~
26 from the department of education for a pilot program for an
27 innovative school year in accordance with subsection 3 or for
28 an early start date pursuant to subsection 4. The earliest
29 start date specified in this section shall not apply to a
30 school district that maintains a year around three-semester
31 school year. School shall continue for at least one hundred
32 eighty days, except as provided in subsection 3, and may be
33 maintained during the entire calendar year. However, if the
34 board of directors of a district extends the school calendar
35 because inclement weather caused the district to temporarily

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1 close school during the regular school calendar, the district
2 may excuse a graduating senior who has met district or school
3 requirements for graduation from attendance during the extended
4 school calendar. A school corporation may begin employment
5 of personnel for in-service training and development purposes
6 before the date to begin elementary and secondary school.

7 2. The board of directors shall hold a public hearing on
8 any proposal for a pilot program for an innovative school year
9 prior to submitting ~~it~~ such a request to the department of
10 education for approval pursuant to subsection 3.

11 4. ~~The director of the~~ department of education may grant
12 a request made by a board of directors of a school district
13 ~~stating its desire~~ to waive the start day restriction in
14 subsection 1, and to commence classes for regularly established
15 elementary and secondary schools prior to the earliest starting
16 start date specified in subsection 1, but the earliest start
17 date granted shall be no earlier than the fourth Monday of
18 August. A request shall be based upon the determination that a
19 starting date on or after the earliest starting date specified
20 in subsection 1 would have a significant negative educational
21 impact. The department shall charge one hundred dollars as a
22 waiver application fee. The fees collected by the department
23 shall be retained by and are appropriated to the department for
24 the purposes related to the department's duties.

25 Sec. 3. EFFECTIVE DATE. This Act takes effect July 1, 2013.

26 Sec. 4. APPLICABILITY. This Act is applicable to school
27 years beginning on or after July 1, 2013.

28 EXPLANATION

29 This bill changes the earliest school start date to
30 September 1 and limits the authority of the department of
31 education to grant a school district's request to commence
32 classes prior to the earliest start date allowed to a date no
33 earlier than the fourth Monday of August. The bill requires
34 the department to charge a waiver application fee of \$100,
35 which is retained and appropriated to the department.

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1 Currently the earliest start date is a day during the
2 calendar week in which the first day of September falls or,
3 if the first day of September falls on a Sunday, a day during
4 the prior week, and the earliest start date the department
5 is authorized to grant is unspecified. School districts
6 that maintain a year around three-semester school year or
7 an innovative school year pilot program are exempt from the
8 earliest start date requirements.

9 The bill makes conforming changes to modify a provision
10 that provides for a reduction in school foundation aid when
11 school districts implement early school starts. The bill also
12 includes a technical correction.

13 The bill takes effect July 1, 2013, for school years
14 beginning on or after July 1, 2013.



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House Resolution 138 - Introduced

HOUSE RESOLUTION NO. 138

BY HELLAND, SWEENEY, MOORE, PAUSTIAN, KLEIN, DE BOEF,
QUIRK, MUHLBAUER, H. MILLER, and SANDS

1 A Resolution to urge the United States Congress not
2 to enact House Resolution 3798, the Egg Products
3 Inspection Act Amendments of 2012.

4 WHEREAS, House Resolution 3798 (HR 3798), the Egg
5 Products Inspection Act Amendments of 2012, introduced
6 in the United States House of Representatives on
7 January 23, 2012, would mandate that commercial egg
8 producers transition to a new system of egg production
9 using colony housing by the end of 2029; and

10 WHEREAS, HR 3798, if enacted, would codify an
11 agreement reached in 2011 between United Egg Producers
12 (UEP) and the Humane Society of the United States
13 (HSUS) nullifying existing state laws and denying state
14 legislatures the ability to enact laws to regulate egg
15 production in their respective states; and

16 WHEREAS, the agreement reached in 2011 between UEP
17 and HSUS has resulted in the threatened cessation of
18 ballot initiatives in a number of states mandating
19 hen spacing and housing requirements, undercover
20 investigations promoted by HSUS, campaigns to
21 intimidate customers, and legal attacks waged against
22 UEP; and

23 WHEREAS, while HR 3798 is supported by the American
24 Society for the Prevention of Cruelty to Animals, Farm
25 Sanctuary, and other animal rights activist groups,
26 overwhelmingly mainstream agricultural organizations
27 oppose this radical legislation; and



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1 WHEREAS, mainstream agricultural organizations
2 opposed to HR 3798 include the American Farm Bureau
3 Federation, the National Cattlemen's Beef Association,
4 the National Pork Producers Council, the National
5 Chicken Council, the National Turkey Federation,
6 and the National Milk Producers Federation which all
7 understand that the proposed federal legislation sets
8 a dangerous precedent for future federal intrusions
9 into state legislative jurisdiction by preempting state
10 control over all of livestock; and

11 WHEREAS, HR 3798 threatens to create federally
12 imposed standards for egg production that are based on
13 the political goals of HSUS, which seeks to eventually
14 shut down animal agriculture by government mandate; and

15 WHEREAS, as agricultural science has improved
16 animal care, farmers and ranchers have steadily and
17 voluntarily adopted improvements to enhance the health,
18 well-being, and productivity of their animals and the
19 viability of their operations; and

20 WHEREAS, the United States food supply, which
21 is critical to the security of this nation, and
22 which depends upon scientifically proven production
23 standards, should not be outlawed on the basis of a
24 political agenda; and

25 WHEREAS, HR 3798, if enacted, would deprive the
26 freedom of producers to operate using methods that are
27 in the best interests of their agricultural animals,
28 would increase food prices, would devastate the
29 operations of niche and small agricultural producers
30 by requiring overzealous labeling requirements, and

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1 would redirect vital resources away from enhancing food
2 safety; and

3 WHEREAS, HR 3798 or similar legislation, that,
4 if enacted, would result in mandated animal care
5 standards based on the political goals of animal
6 rights activists who seek to eventually shut down vital
7 sectors of animal agriculture by government mandate,
8 and threatens all livestock producers by the use of
9 coercive tactics; and

10 WHEREAS, HR 3798 ignores long-standing science that
11 supports the consensus of mainstream agricultural
12 veterinarians, animal scientists, and livestock
13 producers regarding scientifically proven production
14 standards; and

15 WHEREAS, HR 3798 is a prime example of a
16 heavy-handed government mandate based primarily on the
17 extreme political agenda of animal rights activists who
18 have no regard for science-based animal husbandry or
19 for this nation's hard-working and conscientious farm
20 families who each day provide our nation with wholesome
21 food from well-cared-for livestock; and

22 WHEREAS, Iowa is one of the leading agricultural
23 states, ranking first in egg production as well as
24 first in corn, soybean, and swine production; and

25 WHEREAS, in 2010 the average number of egg layers on
26 hand in Iowa was 54.25 million, with a total production
27 equaling 14.61 billion eggs having a value of \$824.3
28 million; and

29 WHEREAS, according to Iowa State University,
30 agricultural production and agricultural-related

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1 industries directly or indirectly employ one out of
2 every six Iowans and are responsible for contributing
3 \$72.1 billion to the state's economy; and

4 WHEREAS, any federal legislation which would nullify
5 existing state laws and deny state legislatures the
6 ability to enact laws specific to their own needs is an
7 unacceptable intrusion into the ability of states to
8 meet the needs of their citizenry; and

9 WHEREAS, HR 3798 threatens to establish a model for
10 a one-size-fits-all approach to livestock production
11 regulation, which does not account for the agricultural
12 diversity of the 50 states; NOW THEREFORE,

13 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That
14 the Iowa House of Representatives opposes HR 3798,
15 the Egg Products Inspection Act Amendments of 2012,
16 which if enacted would nullify existing state laws and
17 abrogate the traditional right of state legislatures to
18 regulate conditions associated with egg production; and

19 BE IT FURTHER RESOLVED, That the Iowa House of
20 Representatives urges the Iowa congressional delegation
21 to oppose the passage of any federal legislation that
22 would significantly harm Iowa's livestock industry,
23 including HR 3798 that establishes a dangerous
24 precedent by intruding into the affairs of states
25 regulating the methods for housing and producing
26 livestock; and

27 BE IT FURTHER RESOLVED, That a copy of this
28 resolution be delivered to the Honorable United States
29 Representative Frank Lucas, Chairman of the House
30 Committee on Agriculture and the Honorable United

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1 States Representative Collin Peterson, Ranking Member
2 of the House Committee on Agriculture; and
3 BE IT FURTHER RESOLVED, That a copy of this
4 resolution be delivered to the Honorable United States
5 Senator Debbie Stabenow, Chairwoman of the United
6 States Senate Committee on Agriculture, Nutrition and
7 Forestry, and the Honorable United States Senator Pat
8 Roberts, Ranking Member of the United States Senate
9 Committee on Agriculture; and

10 BE IT FURTHER RESOLVED, That a copy of this
11 resolution be delivered to each member of Iowa's
12 congressional delegation.

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House Study Bill 675 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
APPROPRIATIONS BILL BY
CHAIRPERSON RAECKER)

A BILL FOR

1 An Act making appropriations to the commission of veterans
2 affairs for the provision of veterans services, and
3 including effective date provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 6000HC (1) 84
aw/rj



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H.F. _____

1 Section 1. Section 35A.13, subsection 4, Code Supplement
2 2011, is amended to read as follows:

3 4. The minimum balance of the trust fund required prior
4 to expenditure of moneys from the trust fund is five million
5 dollars. Once the minimum balance is reached, the interest and
6 earnings on the fund and ~~any moneys received under subsection~~
7 ~~2, paragraph "a",~~ the first three hundred thousand dollars
8 transferred each fiscal year pursuant to section 99G.9A from
9 the lottery fund to the trust fund are appropriated to the
10 commission to be used to achieve the purposes of this section.
11 Moneys appropriated to the commission that remain unobligated
12 or unexpended at the end of each fiscal year shall revert to
13 the trust fund. It is the intent of the general assembly that
14 the balance in the trust fund reach fifty million dollars.

15 Sec. 2. COMMISSION OF VETERANS AFFAIRS. There is
16 appropriated from the veterans trust fund, created in section
17 35A.13, to the commission of veterans affairs for the fiscal
18 year beginning July 1, 2011, and ending June 30, 2012, to be
19 used for the purposes stated in section 35A.13, subsection 6,
20 the following amount:

21 \$ 300,000

22 Sec. 3. EFFECTIVE UPON ENACTMENT. The following provision
23 or provisions of this Act, being deemed of immediate
24 importance, take effect upon enactment:

25 1. The section of this Act making an appropriation to the
26 commission of veterans affairs for the fiscal year beginning
27 July 1, 2011.

28 EXPLANATION

29 This bill makes appropriations from the veterans trust
30 fund to the commission of veterans affairs to be used for the
31 provision of veterans services.

32 Current law provides for the appropriation of the interest
33 and earnings from the veterans trust fund and certain other
34 moneys received in the trust fund pursuant to Code section
35 35A.13(2)(a) to the commission. The bill removes the language

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1 appropriating moneys pursuant to Code section 35A.13(2)(a),
2 but appropriates the first \$300,000 that is transferred into
3 the trust fund each fiscal year from the lottery fund pursuant
4 to Code section 99G.9A, to the commission for the provision of
5 such in veterans services.

6 The bill requires that moneys appropriated to the commission
7 that remain unobligated or unexpended at the end of each fiscal
8 year shall revert to the veterans trust fund.

9 The bill also provides for a one-time appropriation of
10 \$300,000 from the trust fund to the commission for the fiscal
11 year beginning July 1, 2011, and ending June 30, 2012, in order
12 to provide certain veterans services pursuant to Code section
13 35A.13(6). The section of the bill appropriating moneys to
14 the commission for the fiscal year beginning July 1, 2011, and
15 ending June 30, 2012, is effective upon enactment.



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Senate File 2284

S-5168

1 Amend Senate File 2284 as follows:

2 1. Page 7, after line 12 by inserting:

3 <Sec. _____. Section 284.6, subsection 5, Code
4 Supplement 2011, is amended to read as follows:

5 5. The teacher's evaluator shall annually meet with
6 the teacher to review progress in meeting the goals
7 in the teacher's individual plan. The teacher shall
8 present to the evaluator evidence of progress. The
9 purpose of the meeting shall be to review the teacher's
10 progress in meeting professional development goals in
11 the plan and to review collaborative work with other
12 staff on student achievement goals and to modify as
13 necessary the teacher's individual plan to reflect
14 the individual teacher's and the school district's
15 needs and the individual's progress in meeting the
16 goals in the plan. The teacher's supervisor and the
17 evaluator shall review, modify, or accept modifications
18 made to the teacher's individual plan. However, if
19 the teacher's supervisor and the evaluator determine
20 that the teacher is not making sufficient progress in
21 meeting the goals in the plan, the evaluator shall
22 conduct a summative performance review of the teacher's
23 performance as described in section 284.8, subsection
24 1.>

25 2. Page 8, line 9, after <review> by inserting <in
26 each first year and second year shall be conducted
27 in accordance with section 284.6, subsection 5. The
28 summative performance review in each third year, or as
29 required pursuant to section 284.6, subsection 5,>

30 3. Page 8, by striking lines 15 through 28 and
31 inserting <teachers.>

32 4. By renumbering as necessary.

TOD BOWMAN

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Senate File 2284

S-5169

- 1 Amend the amendment, S-5166, to Senate File 2284 as
2 follows:
3 1. Page 2, by striking lines 20 through 22.
4 2. Page 6, by striking lines 6 through 9.
5 3. Page 6, by striking line 10 and inserting:
6 <2. A student shall not receive more>
7 4. Page 6, line 17, by striking <4.> and inserting
8 <3.>
9 5. Page 6, by striking lines 23 and 24 and
10 inserting:
11 <NEW SUBPARAGRAPH. (8) A student who receives>
12 6. Page 6, line 27, by striking <pupil> and
13 inserting <pupil, unless the student's online learning
14 has been determined by the school district to be
15 necessary and appropriate pursuant to section 256.24A,
16 subsection 2, in which case the student shall be
17 assigned a weighting of one>
18 7. By renumbering as necessary.

HERMAN C. QUIRMBACH



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House Amendment to
Senate File 451

S-5170

1 Amend Senate File 451, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. By striking everything after the enacting clause
4 and inserting:
5 <Section 1. Section 257.41, Code 2011, is amended
6 to read as follows:
7 257.41 Funding for programs for returning dropouts
8 and dropout prevention.
9 1. *Budget.* The budget of an approved program for
10 returning dropouts and dropout prevention for a school
11 district, after subtracting funds received from other
12 sources for that purpose, shall be funded annually on
13 a basis of one-fourth or more from the district cost
14 of the school district and up to three-fourths by an
15 increase in allowable growth as defined in section
16 257.8. Annually, the department of management shall
17 establish a modified allowable growth for each such
18 school district equal to the difference between the
19 approved budget for the program for returning dropouts
20 and dropout prevention for that district and the sum of
21 the amount funded from the district cost of the school
22 district plus funds received from other sources.
23 2. *Appropriate uses of funding.* Appropriate uses of
24 the returning dropout and dropout prevention program
25 funding include but are not limited to the following:
26 a. Salary and benefits for instructional staff,
27 instructional support staff, and school-based youth
28 services staff who are working with students who
29 are participating in dropout prevention programs,
30 alternative programs, and alternative schools, in
31 a traditional or alternative setting, if the staff
32 person's time is dedicated to working with returning
33 dropouts or students who are deemed, at any time
34 during the school year, to be at risk of dropping out,
35 in order to provide services beyond those which are
36 provided by the school district to students who are
37 not identified as at risk of dropping out. However,
38 if the staff person works part-time with students who
39 are participating in returning dropout and dropout
40 prevention programs, alternative programs, and
41 alternative schools and has another unrelated staff
42 assignment, only the portion of the staff person's
43 time that is related to the returning dropout and
44 dropout prevention program, alternative program, or
45 alternative school may be charged to the program. For
46 purposes of this paragraph, if an alternative setting
47 is necessary to provide for a program which is offered
48 at a location off school grounds and which is intended
49 to serve student needs by improving relationships
50 and connections to school, decreasing truancy and

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1 tardiness, providing opportunities for course credit
2 recovery, or helping students identified as at risk
3 of dropping out to accelerate through multiple grade
4 levels of achievement within a shortened time frame,
5 the tuition costs for a student identified as at risk
6 of dropping out shall be considered an appropriate use
7 of the returning dropout and dropout prevention program
8 funding.
9 b. Professional development for all teachers and
10 staff working with at-risk students and programs
11 involving dropout prevention strategies.
12 c. Research-based resources, materials, software,
13 supplies, and purchased services that meet all of the
14 following criteria:
15 (1) Meets the needs of kindergarten through grade
16 twelve students identified as at risk of dropping out
17 and of returning dropouts.
18 (2) Are beyond those provided by the regular school
19 program.
20 (3) Are necessary to provide the services listed in
21 the school district's dropout prevention plan.
22 (4) Will remain with the kindergarten through
23 grade twelve returning dropout and dropout prevention
24 program.
25 d. Up to five percent of the total budgeted amount
26 received pursuant to subsection 1 may be used for
27 purposes of providing district-wide or building-wide
28 returning dropout and dropout prevention programming
29 targeted to students who are not deemed at risk of
30 dropping out.
31 3. Limitation. For the fiscal year beginning July
32 1, 2013, and each succeeding fiscal year, the ratio of
33 the amount of modified allowable growth established by
34 the department of management compared to the school
35 district's total regular program district cost shall
36 not exceed two and one-half percent. However, if the
37 school district's highest such ratio so determined for
38 any fiscal year beginning on or after July 1, 2009, but
39 before July 1, 2013, exceeded two and one-half percent,
40 the ratio may exceed two and one-half percent but shall
41 not exceed the highest such ratio established during
42 that period.
43 Sec. 2. APPLICABILITY.
44 1. Notwithstanding section 257.38, subsection 1,
45 section 257.40, subsection 1, or any other provision of
46 law to the contrary, the section of this Act enacting
47 section 257.41, subsection 2, is applicable to budget
48 years beginning on or after July 1, 2012, for purposes
49 of the appropriate uses of funding for returning
50 dropout and dropout prevention program plans approved

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1 for budget years beginning on or after July 1, 2012.
2 2. The section of this Act enacting section 257.41,
3 subsection 3, is applicable to budget years beginning
4 on or after July 1, 2013.>
5 2. Title page, line 3, after <prevention> by
6 inserting <and including applicability provisions>



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House Amendment to
Senate File 2112

S-5171

- 1 Amend Senate File 2112, as passed by the Senate, as
2 follows:
3 1. Page 1, before line 1 by inserting:
4 <Section 1. Section 321.30, subsection 2, Code
5 2011, is amended to read as follows:
6 2. a. Unless otherwise provided for in this
7 chapter, the department or the county treasurer shall
8 refuse registration and issuance of a certificate of
9 title unless the vehicle bears a manufacturer's label
10 pursuant to 49 C.F.R. pt. 567 certifying that the
11 vehicle meets federal motor vehicle safety standards.
12 b. A military vehicle, other than a vehicle that
13 runs on continuous tracks or wheels and tracks, that
14 was originally manufactured for and sold directly to
15 the armed forces of the United States in conformity
16 with contractual specifications, as provided in
17 49 C.F.R. § 571.7, may be registered and issued a
18 certificate of title if the owner provides satisfactory
19 evidence to the department that the vehicle is
20 substantially in compliance with federal motor vehicle
21 safety standards. The department may adopt rules as
22 necessary concerning the registration and titling of
23 military vehicles in accordance with this chapter.>
24 2. Page 2, after line 4 by inserting:
25 <Sec. _____. VETERAN IDENTIFICATION —
26 ALLOCATION. Notwithstanding section 35A.11, the
27 commission of veterans affairs may allocate up to
28 fifty thousand dollars from the veterans license fee
29 fund created in section 35A.11 to the department of
30 transportation for the fiscal year beginning July 1,
31 2012, and ending June 30, 2013, or so much thereof as
32 is necessary, to be used for the implementation of this
33 Act. Any moneys allocated pursuant to this section
34 that remain unencumbered or unobligated at the close of
35 the fiscal year shall revert to the veterans license
36 fee fund created in section 35A.11.>
37 3. Title page, line 1, after <Act> by inserting
38 <relating to transportation, including by providing for
39 the registration and titling of military vehicles and>
40 4. Title page, line 3, after <status> by inserting
41 <and allowing the commission of veterans affairs to
42 allocate certain funds>
43 5. By renumbering as necessary.

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Senate File 2284

S-5172

1 Amend Senate File 2284 as follows:
2 1. Page 6, after line 7 by inserting:
3 <Sec. _____. Section 279.13, Code 2011, is amended by
4 adding the following new subsection:
5 NEW SUBSECTION. 6. Notwithstanding the other
6 provisions of this section and any contrary provision
7 of the Code, if the board of directors of a school
8 district or charter school institutes, by majority vote
9 of the membership of the board, a reduction in force, a
10 decision by the board not to renew a teacher contract
11 shall be based upon the following:
12 a. The teacher's effectiveness as demonstrated in
13 evaluations conducted under the teacher evaluation plan
14 adopted pursuant to section 284.4, and the teacher's
15 performance review conducted pursuant to section 284.8.
16 The teacher's effectiveness shall be the predominant
17 consideration of the board.
18 b. The teacher's licensure and endorsements and the
19 needs of the school district or school, and the needs
20 of the students.
21 c. The teacher's hiring date may be taken into
22 consideration only if the bases existing under
23 paragraphs "a" and "b" are substantially equal to the
24 bases existing under paragraphs "a" and "b" for another
25 teacher.>
26 2. By renumbering as necessary.

PAT WARD

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Senate File 2284

S-5173

1 Amend Senate File 2284 as follows:

2 1. Page 19, line 4, by striking <STATE BOARD OF
3 REGENTS> and inserting <STATE POSTSECONDARY>

4 2. Page 19, after line 4 by inserting:

5 <Sec. _____. Section 260C.14, subsection 2, Code
6 2011, is amended to read as follows:

7 2. Have authority to determine tuition rates for
8 instruction. Tuition for residents of Iowa shall
9 not exceed the lowest tuition rate per semester, or
10 the equivalent, charged by an institution of higher
11 education under the state board of regents for a
12 full-time resident student. However, except for
13 students enrolled under section 261E.6, if a local
14 school district pays tuition for a resident pupil
15 of high school age, the limitation on tuition for
16 residents of Iowa shall not apply, the amount of
17 tuition shall be determined by the board of directors
18 of the community college with the consent of the local
19 school board, and the pupil shall not be included in
20 the full-time equivalent enrollment of the community
21 college for the purpose of computing general aid
22 to the community college. Tuition for nonresidents
23 of Iowa shall not be less than the marginal cost of
24 instruction of a student attending the college. A
25 lower tuition for nonresidents may be permitted under
26 a reciprocal tuition agreement between a merged area
27 and an educational institution in another state, if
28 the agreement is approved by the director. The board
29 may designate that a portion of the tuition moneys
30 collected from nonresident students be used for student
31 aid purposes, but shall not designate that a portion
32 of the tuition moneys collected from resident students
33 be used for such purposes.

34 Sec. _____. Section 262.9, subsection 19, Code
35 Supplement 2011, is amended by adding the following new
36 paragraph:

37 NEW PARAGRAPH. c. Prohibit the designation
38 of a portion of the tuition moneys collected from
39 resident students by institutions of higher education
40 governed by the board for use for student aid purposes.
41 However, such institutions may designate that a portion
42 of the tuition moneys collected from nonresident
43 students be used for such purposes.>

44 3. Page 22, after line 2 by inserting:

45 <Sec. _____. TUITION REDUCTION. A state
46 postsecondary institution which set aside a portion of
47 the tuition moneys collected from resident students for
48 student aid purposes in the fiscal year beginning July
49 1, 2011, shall reduce the tuition for resident students
50 by an equivalent amount for the fiscal year beginning

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1 July 1, 2012.>
2 4. By renumbering as necessary.

STEVE KETTERING



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Senate File 2284

S-5174

1 Amend Senate File 2284 as follows:

2 1. By striking everything after the enacting clause
3 and inserting:

4 <Section 1. LEGISLATIVE INTENT. It is the intent
5 of the general assembly to develop a kindergarten
6 through grade twelve educational system which prepares
7 Iowa's youth to be productive citizens who are equipped
8 with the skills and knowledge to compete in the global
9 marketplace.

10 Sec. 2. COMMISSION ON ACADEMIC PREPARATION AND
11 CAREER EXPECTATIONS.

12 1. A commission on academic preparation and
13 career expectations is created to survey current
14 kindergarten through grade twelve educational systems
15 in Iowa and determine their ability to equip students
16 with the skills and knowledge to compete in the
17 global marketplace. The commission shall identify
18 discrepancies between the needs of Iowa employers and
19 the current educational system.

20 2. The commission shall be comprised of five
21 members who shall be appointed by the governor as
22 follows:

23 a. One employer from a company employing more than
24 500 people. The individual should have management
25 experience.

26 b. One employer from a company employing less than
27 100 people. The individual should have management
28 experience.

29 c. One representative from a community college.

30 d. One representative from an accredited
31 postsecondary institution offering baccalaureate degree
32 programs.

33 e. One person with a background in human resources.

34 3. The commission shall elect a chairperson from
35 among its members. Members are entitled to receive
36 a per diem as specified in section 7E.6 for each day
37 spent in performance of duties as members, and shall
38 be reimbursed for all actual and necessary expenses
39 incurred in the performance of duties as members of the
40 commission.

41 4. The commission shall gather sufficient
42 information to identify the components of a globally
43 competitive educational system that produces qualified,
44 employable graduates with requisite skills.

45 5. The commission may request from any state agency
46 or official information and assistance as needed. A
47 state agency or official shall furnish the information
48 or assistance requested within the authority and
49 resources of the state agency or official.

50 6. The commission may employ staff and consultants

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1 as necessary to assist the commission in carrying
2 out its duties as set forth in this section. The
3 legislative services agency may provide staffing
4 assistance to the commission.
5 7. The commission shall submit a final report to
6 the commission on educational standards by December
7 31, 2012, summarizing the commission's activities,
8 analyzing issues studied, making recommendations, and
9 including any other information that the commission
10 deems relevant and necessary.
11 Sec. 3. COMMISSION ON EDUCATIONAL STANDARDS.
12 1. A commission on educational standards is
13 created to develop a kindergarten through grade twelve
14 educational system that equips Iowa's youth with the
15 skills and knowledge to become productive citizens
16 capable of competing in the global marketplace.
17 2. The commission shall be comprised of the
18 following:
19 a. Seven voting members who shall be appointed by
20 the governor as follows:
21 (1) One professor with a doctorate degree who
22 is employed in the department of mathematics at an
23 accredited postsecondary institution.
24 (2) One professor with a doctorate degree who
25 is employed in a natural sciences department at an
26 accredited postsecondary institution.
27 (3) One professor with a doctorate degree who is
28 employed by a humanities department at an accredited
29 postsecondary institution.
30 (4) One individual who is an expert in early
31 childhood learning with experience in direct
32 instruction.
33 (5) Two individuals with human resources experience
34 in the private sector and knowledge of industry demands
35 in science, technology, engineering, and mathematics;
36 one of whom shall represent large businesses and one of
37 whom shall represent small businesses.
38 (6) One economist who has demonstrated experience
39 in kindergarten through grade twelve educational
40 systems.
41 b. Six ex officio, nonvoting members of the general
42 assembly who shall be appointed as follows:
43 (1) Two state senators, one appointed by the
44 president of the senate after consultation with the
45 majority leader of the senate and one appointed by the
46 minority leader of the senate from their respective
47 parties.
48 (2) Two state representatives, one appointed by
49 the speaker of the house of representatives and one
50 appointed by the minority leader of the house of

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1 representatives from their respective parties.

2 (3) One individual representing the Iowa state
3 education association who shall be appointed by the
4 association.

5 (4) One individual appointed by an organization
6 representing the professional educators of Iowa.

7 3. The commission shall elect a chairperson from
8 among its members. Public members appointed to the
9 commission by the governor pursuant to subsection
10 2, paragraph "a", are entitled to receive a per
11 diem as specified in section 7E.6 for each day spent
12 in performance of duties as members, and shall be
13 reimbursed for all actual and necessary expenses
14 incurred in the performance of duties as members of
15 the commission. Legislative members of the commission
16 are eligible for per diem and reimbursement of actual
17 expenses as provided in section 2.10.

18 4. The commission shall take into consideration
19 the findings and recommendations of the commission
20 on academic preparation and career expectations
21 and shall gather sufficient information to develop
22 educational standards for kindergarten through grade
23 twelve specifically designed to create an educational
24 system that includes practices that are proven to
25 increase student and school performance to meet global
26 standards; is focused on literacy, mathematics, and
27 science; and meets the requirements of subsection 1.

28 5. The commission may request from any state agency
29 or official information and assistance as needed. A
30 state agency or official shall furnish the information
31 or assistance requested within the authority and
32 resources of the state agency or official.

33 6. The commission may employ staff and consultants
34 as necessary to assist the commission in carrying
35 out its duties as set forth in this section. The
36 legislative services agency may provide staffing
37 assistance to the commission.

38 7. The commission shall complete its deliberations
39 in November 2013 and submit a final report to the
40 state board of education, the governor, and the
41 general assembly by November 30, 2013, summarizing the
42 commission's activities, analyzing issues studied,
43 making recommendations for legislative reforms, and
44 including any other information that the commission
45 deems relevant and necessary.

46 Sec. 4. COMMISSION ON STUDENT ACHIEVEMENT AND
47 TEACHER ASSESSMENT AND ACCOUNTABILITY.

48 1. A commission on student achievement and teacher
49 assessment and accountability is created. The
50 department of management shall collaborate with the

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1 commission in meeting the requirements of this section.
2 a. The commission shall identify performance
3 measures and shall design an educational system to
4 equip students with the skills and knowledge to compete
5 in the global marketplace.
6 b. The commission shall develop a teacher
7 assessment and accountability system based on student
8 achievement growth. The commission shall review
9 management systems that improve teacher and student
10 achievement outcomes, as well as incentive and
11 disincentive measures related to improving teacher and
12 student achievement outcomes.
13 2. The commission shall be comprised of seven
14 members who shall be appointed by the governor as
15 follows:
16 a. One employer from a company employing more than
17 500 people. The individual should have experience
18 evaluating productivity.
19 b. One employer from a company employing fewer than
20 100 people. The individual should have experience
21 evaluating productivity.
22 c. One individual representing teachers.
23 d. An industrial engineer with experience in
24 productivity measurement.
25 e. One economist who has demonstrated experience in
26 kindergarten through grade twelve educational systems.
27 f. One early childhood direct instruction
28 specialist.
29 g. One human resources expert familiar with
30 personnel management and effective employee incentive
31 programs.
32 3. The commission shall elect a chairperson from
33 among its members. Members appointed to the commission
34 by the governor pursuant to subsection 2, paragraph
35 "a", are entitled to receive a per diem as specified
36 in section 7E.6 for each day spent in performance
37 of duties as members, and shall be reimbursed for
38 all actual and necessary expenses incurred in the
39 performance of duties as members of the commission.
40 4. The department of management shall provide
41 staff and consultants as necessary to assist the
42 commission in carrying out its duties as set forth in
43 this section. The commission may employ staff and
44 consultants as necessary to assist the commission in
45 carrying out its duties as set forth in this section.
46 The legislative services agency may provide staffing
47 assistance to the commission.
48 5. The commission may request from any state agency
49 or official information and assistance as needed. A
50 state agency or official shall furnish the information

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1 or assistance requested within the authority and
2 resources of the state agency or official.
3 6. The commission shall complete its deliberations
4 in November 2014 and submit a final report to the
5 state board of education, the governor, and the
6 general assembly by November 30, 2014, summarizing the
7 commission's activities, analyzing issues studied,
8 making recommendations for legislative reforms, and
9 including any other information that the commission
10 deems relevant and necessary.
11 Sec. 5. APPROPRIATION — LEGISLATIVE COUNCIL —
12 LEGISLATIVE COMMISSION ON EDUCATIONAL STANDARDS. There
13 is appropriated from the general fund of the state to
14 the legislative council for each of the fiscal years
15 during the fiscal period beginning July 1, 2012, and
16 ending June 30, 2014, the following amount, or so much
17 thereof as is necessary, to be used for the purposes
18 designated:
19 For purposes of the commission on academic
20 preparation and career expectations, the commission on
21 educational standards, and the commission on student
22 achievement and teacher assessment and accountability
23 established pursuant to this Act:
24 \$ 275,000
25 FTEs 3.00>
26 2. Title page, by striking lines 1 through 4 and
27 inserting <An Act establishing a commission on academic
28 preparation and career expectations, a commission
29 on educational standards, a commission on student
30 achievement and teacher assessment and accountability,
31 and making an appropriation.>

PAUL MCKINLEY



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Senate File 2284

S-5175

1 Amend Senate File 2284 as follows:

2 1. By striking everything after the enacting clause
3 and inserting:

4 <DIVISION I

5 DEPARTMENT OF EDUCATION ASSESSMENTS AND ELIMINATION
6 COMMISSION

7 Section 1. NEW SECTION. 256.28 Assessment of
8 departmental effectiveness.

9 1. *Five-year assessment.*

10 a. Using the fiscal year beginning July 1, 2012, as
11 a base year, the department shall determine the annual
12 progress made by the department by assessing increases
13 in the following levels:

14 (1) The number of grade four students proficient
15 in reading, mathematics, and science, with a goal of
16 ninety percent proficiency.

17 (2) The number of grade eight students proficient
18 in reading, mathematics, and science, with a goal of
19 eighty-five percent proficiency.

20 (3) The number of grade eleven students proficient
21 in the following:

22 (a) Reading and mathematics, with a goal of eighty
23 percent proficiency.

24 (b) Science, with a goal of eighty-five percent
25 proficiency.

26 (4) The performance of Iowa students on the
27 national assessment for educational progress, with a
28 goal of placing Iowa in the top five states in the
29 nation for grades four, eight, and eleven in reading,
30 mathematics, and science.

31 (5) The number of students entering Iowa
32 postsecondary schools majoring in physical and
33 biological sciences, mathematics, and engineering.

34 (6) Negotiating agreements with the institutions of
35 higher education governed by the state board of regents
36 for the adoption of alternative certification programs
37 for teachers.

38 (7) Developing an action plan to fill critical
39 need teaching positions, including but not limited to
40 positions teaching science and mathematics.

41 b. The department shall submit its findings and
42 recommendations in a report to the general assembly by
43 November 1, 2017.

44 2. *Ten-year assessment.*

45 a. Using the fiscal year beginning July 1, 2017, as
46 a base year, the department shall determine the annual
47 progress made by the department by assessing increases
48 in the following levels:

49 (1) The number of grade four students proficient
50 in reading, mathematics, and science, with a goal of

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1 ninety percent proficiency.
2 (2) The number of grade eight students proficient
3 in reading, mathematics, and science, with a goal of
4 ninety percent proficiency.
5 (3) The number of grade eleven students proficient
6 in reading, mathematics, and science, with a goal of
7 ninety percent proficiency.
8 (4) The performance of Iowa students on the
9 national assessment for educational progress, with a
10 goal of placing Iowa in the top five states in the
11 nation for grades four, eight, and eleven in reading,
12 mathematics, and science.
13 (5) The number of students entering Iowa
14 postsecondary schools majoring in physical and
15 biological sciences, mathematics, and engineering.
16 (6) Negotiating agreements with the institutions of
17 higher education governed by the state board of regents
18 for the adoption of alternative certification programs
19 for teachers.
20 (7) Developing an action plan to fill critical
21 need teaching positions, including but not limited to
22 positions teaching science and mathematics.
23 b. The department shall submit its findings and
24 recommendations in a report to the general assembly by
25 November 1, 2022.
26 3. *Annual reports.* For the fiscal year beginning
27 July 1, 2023, and each succeeding fiscal year, the
28 department shall submit progress reports regarding
29 the levels specified in subsection 2, paragraph "a",
30 subparagraphs (1) through (7), by November 15 to the
31 general assembly.
32 4. If the annual report submitted pursuant to
33 subsection 2, paragraph "b", establishes that the
34 department failed to meet the goals established
35 in subsection 2, a department of education
36 elimination commission is established to review all
37 programs, policies, duties, and other functions and
38 responsibilities of the department of education which
39 are funded in whole or part with federal, state, or
40 local government revenues. The commission's duties
41 shall include the following:
42 a. Review of the state board of education's duties,
43 policies, and responsibilities and the programs and
44 other functions established in or administered by the
45 department.
46 b. Identification of programs, responsibilities,
47 or functions recommended for elimination or for
48 performance by school districts.
49 5. The commission shall consist of the governor and
50 the following members:

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1 a. The director of the department of management or
2 the director's designee.

3 b. The executive director of Iowa's area education
4 agencies.

5 c. Seven members appointed by the governor as
6 follows:

7 (1) One member representing a company employing
8 more than 500 people. The individual should have
9 management experience.

10 (2) One member representing a company employing
11 more than 100 people but fewer than 500 people. The
12 individual should have management experience.

13 (3) One member representing a company employing
14 fewer than 100 people. The individual should have
15 management experience.

16 (4) One member who is the chief executive officer
17 of a company with multiple stand-alone locations,
18 employing over 50,000 people, and having annual sales
19 of more than \$6 billion.

20 (5) One member representing an accredited
21 postsecondary institution.

22 (6) One member representing school districts.

23 (7) One member from an organization representing
24 teachers in the state.

25 6. The governor shall serve as chairperson of
26 the commission. The director of the department of
27 management shall serve as chairperson in the absence
28 of the governor. The department of management shall
29 provide staffing assistance to the commission.

30 7. The commission shall submit its findings and
31 recommendations in a report to the governor and the
32 general assembly by January 1, 2023.

33 DIVISION II

34 SCHOOL TUITION CREDIT PROVISIONS

35 Sec. 2. Section 256.7, Code Supplement 2011, is
36 amended by adding the following new subsection:

37 NEW SUBSECTION. 31. Adopt rules relating to
38 applications for a school tuition credit pursuant to
39 section 257.11B, including application processing
40 timelines, required information for submission by a
41 parent or guardian, and penalties for noncompliance.

42 Sec. 3. Section 257.6, subsection 1, paragraph a,
43 unnumbered paragraph 1, Code 2011, is amended to read
44 as follows:

45 ~~Actual~~ Except as provided in subparagraph (8),
46 actual enrollment is determined annually on October 1,
47 or the first Monday in October if October 1 falls on a
48 Saturday or Sunday, and includes all of the following:

49 Sec. 4. Section 257.6, subsection 1, paragraph
50 a, Code 2011, is amended by adding the following new

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1 subparagraph:
2 NEW SUBPARAGRAPH. (8) Resident pupils receiving a
3 school tuition credit pursuant to section 257.11B, as
4 designated by March 1.
5 Sec. 5. NEW SECTION. 257.11B School tuition
6 credits.
7 1. Pupils attending an accredited nonpublic school
8 shall be eligible to receive a school tuition credit
9 for attendance in the following grades according to the
10 following schedule:
11 a. For the school budget year beginning July 1,
12 2013, pupils in kindergarten.
13 b. For the school budget year beginning July 1,
14 2014, pupils in kindergarten and grade one.
15 c. For the school budget year beginning July 1,
16 2015, pupils in kindergarten and grades one and two.
17 d. For the school budget year beginning July 1,
18 2016, pupils in kindergarten and grades one through
19 three.
20 e. For the school budget year beginning July 1,
21 2017, pupils in kindergarten and grades one through
22 four.
23 f. For the school budget year beginning July 1,
24 2018, pupils in kindergarten and grades one through
25 five.
26 g. For the school budget year beginning July 1,
27 2019, pupils in kindergarten and grades one through
28 six.
29 h. For the school budget year beginning July 1,
30 2020, pupils in kindergarten and grades one through
31 seven.
32 i. For the school budget year beginning July 1,
33 2021, pupils in kindergarten and grades one through
34 eight.
35 j. For the school budget year beginning July 1,
36 2022, pupils in kindergarten and grades one through
37 nine.
38 k. For the school budget year beginning July 1,
39 2023, pupils in kindergarten and grades one through
40 ten.
41 l. For the school budget year beginning July 1,
42 2024, pupils in kindergarten and grades one through
43 eleven.
44 m. For the school budget year beginning July
45 1, 2025, and succeeding budget years, pupils in
46 kindergarten and grades one through twelve.
47 2. a. By January of the school year preceding
48 the school year for which the school tuition credit
49 is requested, the parent or guardian of the pupil
50 requesting to receive a school tuition credit shall

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1 submit an application to the department of education,
2 on forms to be developed by the department, indicating
3 that the parent or guardian intends to enroll the pupil
4 in an accredited nonpublic school.

5 **b.** By March 1, the department of education shall
6 notify the department of management of the number of
7 pupils designated to receive school tuition credits.

8 3. **a.** (1) The department of management shall
9 assign each designated pupil a school tuition credit in
10 an amount equal to thirty-five percent of the regular
11 program foundation base per pupil, as defined in
12 section 257.1, subsection 2, paragraph "b".

13 (2) The department of education, in consultation
14 with the department of management, shall reduce the
15 state aid payments to a local public school district
16 otherwise payable pursuant to section 257.16 for
17 the following school budget year attributable to
18 the designated pupils by sixty-five percent of the
19 regular program foundation base per pupil, as defined
20 in section 257.1, subsection 2, paragraph "b". The
21 regular program foundation funds not paid to school
22 districts due to the school tuition credit reduction
23 shall remain in the general fund of the state.

24 (3) A public school district shall transfer
25 twenty-five percent of the regular program foundation
26 base per pupil, as defined in section 257.1, subsection
27 2, paragraph "b", per designated pupil directly to
28 the applicable accredited nonpublic school and shall
29 retain the remaining ten percent of the regular program
30 foundation base per pupil, as defined in section 257.1,
31 subsection 2, paragraph "b", as the pupil's district
32 of residence.

33 **b.** (1) Commencing in the school budget year
34 beginning July 1, 2024, and succeeding budget years,
35 if the average enrollment at an accredited nonpublic
36 school equals seventeen percent of the combined
37 enrollment of the local public school district and
38 the accredited nonpublic school, the department of
39 management shall assign each designated pupil a school
40 tuition credit in an amount equal to forty-five percent
41 of the regular program foundation base per pupil, as
42 defined in section 257.1, subsection 2, paragraph "b".

43 (2) The department of education, in consultation
44 with the department of management, shall reduce the
45 state aid payments to a local public school district
46 otherwise payable pursuant to section 257.16 for
47 the following school budget year attributable to
48 the designated pupils by fifty-five percent of the
49 regular program foundation base per pupil, as defined
50 in section 257.1, subsection 2, paragraph "b". The

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1 regular program foundation funds not paid to school
2 districts due to the school tuition credit reduction
3 shall remain in the general fund of the state.
4 (3) A public school district shall transfer thirty
5 percent of the regular program foundation base per
6 pupil, as defined in section 257.1, subsection 2,
7 paragraph "b", per designated pupil directly to the
8 applicable accredited nonpublic school and shall retain
9 the remaining fifteen percent of the regular program
10 foundation base per pupil, as defined in section 257.1,
11 subsection 2, paragraph "b", as the pupil's district
12 of residence.
13 c. The school tuition credit may also include
14 any moneys received for the pupil as a result of the
15 non-English-speaking weighting pursuant to section
16 280.4, subsection 3, for the previous school year
17 multiplied by the state cost per pupil for the previous
18 school year, and if the pupil is also an eligible pupil
19 under section 261E.6, the tuition reimbursement amount
20 as provided in section 261E.7.
21 d. Amounts payable as a school tuition credit
22 may be paid in a lump sum or in installments to the
23 accredited nonpublic school as determined by the
24 department of education.
25 4. A pupil enrolled in an accredited nonpublic
26 school who is receiving a school tuition credit
27 shall be considered, for state school foundation
28 aid purposes, to be attending school in the pupil's
29 district of residence. A parent or guardian may apply
30 on an annual basis for a school tuition credit for
31 each year that the pupil is enrolled in an accredited
32 nonpublic school.
33 5. In the event that a pupil requires special
34 education pursuant to chapter 256B, a school tuition
35 credit may be utilized only in the event that the pupil
36 is enrolled in an accredited nonpublic school that
37 maintains a special education instructional program
38 that is equipped to meet the pupil's educational needs.
39 Sec. 6. APPLICABILITY. This division of this Act
40 applies to school budget years beginning on or after
41 July 1, 2013.>

PAUL MCKINLEY

MARK CHELGREN

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STEVE KETTERING



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Senate File 2284

S-5176

1 Amend Senate File 2284 as follows:

2 1. Page 31, line 6, after <PREPARATION> by
3 inserting <AND>

4 2. Page 31, after line 21 by inserting:
5 <Sec. _____. Section 272.2, subsection 13, Code
6 Supplement 2011, is amended to read as follows:

7 13. Adopt rules to provide for nontraditional
8 preparation options for licensing persons who hold
9 a bachelor's degree from an accredited college or
10 university, who do not meet other requirements for
11 licensure. The rules shall include but not be limited
12 to alternative pathways to the initial teacher license
13 and initial administrator license or endorsement
14 in accordance with section 272.16. The rules shall
15 prescribe standards and procedures for the approval of
16 alternative principal licensing programs which may be
17 offered in this state by designated agencies located
18 within or outside this state. Procedures provided for
19 approval of alternative principal licensing programs
20 shall include procedures for enforcement of the
21 prescribed standards.

22 Sec. _____. NEW SECTION. 272.16 Alternative
23 licensure and endorsement.

24 1. The board shall establish alternative licensure
25 pathways for an initial teacher license and an initial
26 administrator license and endorsement.

27 2. The alternative pathway for an initial teacher
28 license shall include all of the following components:

29 a. A requirement that the applicant for the
30 alternative pathway to an initial teacher license meet
31 all of the following criteria:

32 (1) Hold, at a minimum, a bachelor's degree from
33 a regionally accredited postsecondary institution and
34 twenty-four postsecondary credit hours in the content
35 area to be taught at the licensure level sought by the
36 applicant; or, in order to teach a foreign language,
37 the applicant shall hold at least a bachelor's degree
38 and be a native speaker of the language to be taught.

39 (2) Have successfully passed a background check
40 conducted in accordance with section 272.2, subsection
41 17.

42 (3) Have at least three recent consecutive years of
43 successful, relevant work experience.

44 (4) Have successfully passed a basic skills test,
45 approved by the executive director, for acceptance.
46 An applicant utilizing the alternative pathway to an
47 initial teacher license shall not be issued such a
48 license unless the student achieves scores above the
49 twenty-fifth percentile nationally on an examination
50 approved by the executive director for knowledge of

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1 pedagogies and in at least one content area.
2 (5) Have a cumulative postgraduate grade point
3 average of at least three on a four-point scale, or its
4 equivalent if another grade scale is used.
5 b. A requirement that the person issued an initial
6 teacher license pursuant to this subsection shall,
7 during the person's first three years of teaching,
8 successfully complete a beginning teacher mentoring and
9 induction program pursuant to section 284.5, and shall
10 successfully complete eighteen postsecondary credit
11 hours of pedagogy coursework before the person may be
12 issued a license beyond the initial license.
13 3. The alternative pathway for an initial
14 administrator license shall include all of the
15 following components:
16 a. A requirement that the applicant for the
17 alternative pathway to an initial administrator license
18 meet all of the following criteria:
19 (1) Hold, at a minimum, a bachelor's degree from a
20 regionally accredited postsecondary institution.
21 (2) Have successfully passed a background check
22 conducted in accordance with section 272.2, subsection
23 17.
24 b. A requirement that a person who is issued an
25 initial administrator license through the alternative
26 pathway specified by this subsection may be employed by
27 a school district or accredited nonpublic school and,
28 for the first consecutive three years of employment
29 as a building principal, shall be supervised and
30 mentored by a person who holds a valid professional
31 administrator license.
32 4. A person with at least five recent years of
33 successful experience as a professional educator, and
34 who is enrolled in an alternative principal licensing
35 program approved by the state board of education, may
36 qualify for an initial administrator license.
37 5. A person with at least five recent years of
38 successful management experience in business; industry;
39 local, state, or federal government; or the military
40 service of the United States, and who has successfully
41 completed an alternative principal licensing program
42 approved by the state board of education, may qualify
43 for an initial administrator license.
44 6. a. The alternative pathway for an initial
45 administrator endorsement for school superintendents
46 and area education agency administrators shall require
47 an applicant to meet all of the following criteria:
48 (1) Hold, at a minimum, a bachelor's degree from a
49 regionally accredited postsecondary institution.
50 (2) Have successfully passed a background check

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1 conducted in accordance with section 272.2, subsection
2 17.
3 (3) Have at least five recent years of successful,
4 relevant experience as a professional educator or
5 management experience in business; industry; local,
6 state, or federal government; or the military service
7 of the United States.
8 b. A person issued an initial administrator
9 endorsement for superintendents or area education
10 agency administrators under this subsection shall
11 successfully complete a beginning mentoring and
12 induction program with a mentor who is a superintendent
13 or area education agency administrator, as appropriate.
14 c. A person issued an initial administrator
15 endorsement for superintendents or area education
16 agency administrators pursuant to this subsection,
17 who successfully completes three years of experience
18 as a superintendent or area education agency
19 administrator, may be issued a license beyond the
20 initial administrator endorsement.
21 7. Upon application, a person who holds an initial
22 administrator license issued pursuant to subsection 3,
23 and who has three years of successful experience as a
24 principal, shall be issued a professional administrator
25 license.>
26 3. By renumbering as necessary.

MARK CHELGREN



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Senate File 2284

S-5177

1 Amend the amendment, S-5166, to Senate File 2284 as
2 follows:

3 1. By striking page 4, line 22, through page 6,
4 line 28, and inserting:

5 < _____. By striking page 13, line 11, through page
6 17, line 13, and inserting:

7 <DIVISION _____

8 COURSES TAUGHT BY MEANS OF TELECOMMUNICATIONS

9 Sec. _____. Section 256.7, subsection 7, paragraph b,
10 Code Supplement 2011, is amended to read as follows:

11 b. The rules shall provide that when the curriculum
12 is taught by an appropriately licensed teacher at the
13 location at which the telecommunications originates,
14 the curriculum shall be received at a remote site shall
15 be under the supervision of a licensed teacher at any
16 remote site. The licensed teacher at the originating
17 site may provide supervision of students at a remote
18 site or the school district in which the remote site
19 is located may provide for supervision at the remote
20 site if the school district deems it necessary or if
21 requested to do so by the licensed teacher at the
22 originating site. For the purposes of this subsection,
23 "supervision":

24 (1) "Supervision" means that the curriculum is
25 monitored by a proctor who need not be a licensed
26 teacher and the teacher is but shall be accessible
27 to the students receiving the curriculum by means of
28 telecommunications.

29 (2) "Proctor" means a school librarian, school
30 teacher, school administrator, school guidance
31 counselor, teacher assistant, para-educator, or other
32 individuals approved by the department.

33 Sec. _____. Section 256.7, subsection 7, paragraph
34 c, Code Supplement 2011, is amended by striking the
35 paragraph.

36 Sec. _____. Section 256.7, subsection 8, Code
37 Supplement 2011, is amended by striking the subsection
38 and inserting in lieu thereof the following:

39 8. a. At the discretion of the board of directors
40 of a school district or the authorities in charge of
41 a school, after taking into consideration necessity,
42 convenience, and cost-effectiveness, brokered courses
43 developed by outside sources may be approved for use by
44 a school district or school.

45 b. Courses used by a school district or school
46 in accordance with paragraph "a" shall be taught by
47 means of telecommunications by teachers licensed
48 under chapter 272; however, if the director determines
49 special circumstances exist, the director may waive
50 this requirement.>>

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1 2. By renumbering as necessary.

STEVE KETTERING

BILL ANDERSON



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Senate File 2284

S-5178

1 Amend Senate File 2284 as follows:

2 1. By striking everything after the enacting clause
3 and inserting:

4 <DIVISION I

5 REPEAL OF DEPARTMENT OF EDUCATION AND
6 STATE BOARD OF EDUCATION

7 Section 1. Section 256A.2, subsection 1, paragraph
8 b, Code 2011, is amended by striking the paragraph.

9 Sec. 2. Section 256A.2, subsection 2, Code 2011, is
10 amended to read as follows:

11 2. Staff assistance for the council shall be
12 provided by the department of ~~education~~ human services.
13 Members of the council shall be reimbursed for actual
14 and necessary expenses incurred while engaged in their
15 official duties and shall receive per diem compensation
16 at the level authorized under section 7E.6, subsection
17 1, paragraph "a".

18 Sec. 3. Section 256A.3, subsection 4, Code 2011, is
19 amended to read as follows:

20 4. Make recommendations to the department
21 of ~~education~~ human services and the general
22 assembly regarding appropriate curricula and staff
23 qualifications and training for early elementary
24 education, coordination of the curricula with
25 child development programs, and the development
26 of an at-risk children definition for use in
27 school-district-sponsored early elementary and before
28 and after school child care programs.

29 Sec. 4. Section 256A.4, subsection 2, unnumbered
30 paragraph 1, Code 2011, is amended to read as follows:

31 The department of ~~education~~ human services shall
32 develop guidelines for family support programs.
33 Program components may include, but are not limited to,
34 all of the following:

35 Sec. 5. NEW SECTION. 256B.16 Transfer of authority
36 and duties.

37 1. Beginning July 1, 2013, the authority and
38 duties of the department of education, the state board
39 of education, and the director of the department of
40 education under this chapter shall be transferred
41 to the department of human services and the director
42 of human services. Accordingly, beginning July 1,
43 2013, all references to the department of education
44 under this chapter and references to the department
45 of education under other provisions of law relating
46 to this chapter shall mean the department of human
47 services and all references to the state board
48 of education or the director of the department of
49 education under this chapter or other provisions of law
50 relating to this chapter shall mean the director of

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1 human services.

2 2. Beginning July 1, 2013, the division of special
3 education created within the department of education
4 under section 256B.1 shall be transferred to the
5 department of human services.

6 3. Any moneys remaining in any account or fund
7 under the control of the department of education at the
8 conclusion of the fiscal year beginning July 1, 2012,
9 relative to the provisions of this chapter shall be
10 transferred to the control of the department of human
11 services for such purposes. Notwithstanding section
12 8.33, the moneys transferred in accordance with this
13 subsection shall not revert to the account or fund from
14 which appropriated or transferred.

15 4. Any contract entered into by the department of
16 education relating to the provisions of this chapter in
17 effect at the conclusion of the fiscal year beginning
18 July 1, 2012, shall continue in full force and effect
19 pending transfer of such contracts to the department of
20 human services.

21 5. Any rule, regulation, form, order, or directive
22 promulgated by the department of education relative
23 to the provisions of this chapter in existence at the
24 conclusion of the fiscal year beginning July 1, 2012,
25 shall continue in full force and effect until amended,
26 repealed, or supplemented by affirmative action of
27 the department of human services under the duties
28 and powers established in this chapter and under the
29 procedure established in subsection 6.

30 6. In regard to updating references and format in
31 the Iowa administrative code in order to correspond
32 to the transferring of duties of this chapter, the
33 administrative rules coordinator and the administrative
34 rules review committee, in consultation with the
35 administrative code editor, shall jointly develop
36 a schedule for the necessary updating of the Iowa
37 administrative code.

38 Sec. 6. Section 256C.1, Code 2011, is amended to
39 read as follows:

40 **256C.1 Definitions.**

41 As used in this chapter:

42 1. *"Approved local program"* means a school
43 district's program for four-year-old children ~~approved~~
44 ~~by the department of education to provide high quality~~
45 ~~preschool instruction.~~

46 ~~2. *"Department"* means the department of education.~~

47 ~~3. *"Director"* means the director of the department~~
48 ~~of education.~~

49 ~~4. 2. *"Preschool program"* means the statewide~~
50 ~~preschool program for four-year-old children created in~~

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1 accordance with this chapter.

2 ~~5. 3. "School district approved to participate in~~
3 ~~the preschool program" means a school district that~~
4 ~~meets the school district requirements under section~~
5 ~~256C.3 and has been approved by the department to~~
6 ~~participate in the preschool program.~~

7 ~~6. "State board" means the state board of~~
8 ~~education.~~

9 Sec. 7. Section 256C.2, subsection 2, Code 2011, is
10 amended by striking the subsection.

11 Sec. 8. Section 256C.3, subsection 2, paragraph
12 a, subparagraph (3), Code 2011, is amended to read as
13 follows:

14 (3) The individual possesses a bachelor's or
15 graduate degree from an accredited college or
16 university with a major in early childhood education
17 or other appropriate major ~~identified in rule by the~~
18 ~~department as determined by the school district's board~~
19 ~~of directors.~~

20 Sec. 9. Section 256C.3, subsection 3, unnumbered
21 paragraph 1, Code 2011, is amended to read as follows:

22 ~~The state board shall adopt rules to further define~~
23 ~~the following preschool program requirements which~~
24 ~~shall be used to determine whether or not a Each local~~
25 ~~program implemented by a school district approved~~
26 ~~to implement the preschool program qualifies as an~~
27 ~~approved local program shall address or conform with~~
28 ~~all of the following:~~

29 Sec. 10. Section 256C.3, subsection 4, Code 2011,
30 is amended by striking the subsection and inserting in
31 lieu thereof the following:

32 4. *School district requirements.*

33 a. Subject to implementation of chapter
34 28E agreements between a school district and
35 community-based providers of services to four-year-old
36 children, a four-year-old child who is enrolled in a
37 child care center or child development home licensed
38 or registered under chapter 237A, or in an existing
39 public or private preschool program, shall be eligible
40 for services provided by the school district's local
41 preschool program.

42 b. Professional development for school district
43 preschool teachers shall be addressed in the school
44 district's professional development plan implemented in
45 accordance with section 284.6.

46 Sec. 11. Section 256C.3, subsection 5, Code 2011,
47 is amended by striking the subsection.

48 Sec. 12. Section 256C.4, subsection 1, paragraph d,
49 Code 2011, is amended to read as follows:

50 d. Preschool foundation aid funding shall not

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1 be commingled with the other state aid payments made
2 under section 257.16 to a school district and shall be
3 accounted for by the local school district separately
4 from the other state aid payments. Preschool
5 foundation aid payments made to school districts are
6 miscellaneous income for purposes of chapter 257. A
7 school district shall maintain a separate listing
8 within its budget for preschool foundation aid payments
9 received and expenditures made. ~~A school district~~
10 ~~shall certify to the department of education that~~
11 ~~preschool~~ Preschool foundation aid funding received by
12 the school district ~~was~~ shall be used to supplement,
13 not supplant, moneys otherwise received and used by the
14 school district for preschool programming.
15 Sec. 13. Section 256C.5, subsection 1, paragraph a,
16 Code Supplement 2011, is amended to read as follows:
17 a. "Base year", "budget year", ~~"regular program~~
18 ~~state cost per pupil"~~, and "school district" mean the
19 same as defined or described in chapter 257.
20 Sec. 14. Section 256C.5, subsection 1, Code
21 Supplement 2011, is amended by adding the following new
22 paragraph:
23 NEW PARAGRAPH. e. "Regular program state cost per
24 pupil" means five thousand eight hundred eighty-three
25 dollars.
26 Sec. 15. Section 256C.5, subsection 2, Code
27 Supplement 2011, is amended to read as follows:
28 2. Preschool foundation aid district amount.
29 a. For the initial school year for which a school
30 district approved to participate in the preschool
31 program ~~receives that approval and~~ implements the
32 preschool program, the funding for the preschool
33 foundation aid payable to that school district shall be
34 paid from the appropriation made for that school year
35 in section 256C.6 or in another appropriation made for
36 purposes of this chapter. For that school year, the
37 preschool foundation aid payable to the school district
38 is the product of the regular program state cost per
39 pupil for the school year multiplied by sixty percent
40 of the school district's eligible student enrollment on
41 the date in the school year ~~determined by rule~~.
42 b. For budget years subsequent to the initial
43 school year for which a school district approved
44 to participate in the preschool program ~~receives~~
45 ~~that initial approval and~~ implements the preschool
46 program, the funding for the preschool foundation aid
47 payable to that school district shall be paid from the
48 appropriation made in section 257.16. ~~Continuation~~
49 ~~of a school district's participation in the preschool~~
50 ~~program for a second or subsequent budget year is~~

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1 ~~subject to the approval of the department based upon~~
2 ~~the school district's compliance with accountability~~
3 ~~provisions and the department's on-site review of the~~
4 ~~school district's implementation of the preschool~~
5 ~~program.~~

6 Sec. 16. Section 256C.5, subsection 4, Code
7 Supplement 2011, is amended by striking the subsection.

8 Sec. 17. **NEW SECTION. 256F.12 Transfer of**
9 **authority and duties.**

10 1. Beginning July 1, 2013, the authority and duties
11 of the department of education, the state board, and
12 the director of the department of education under this
13 chapter, to the extent feasible, shall be transferred
14 to the board of directors of the community college
15 serving the merged area in which the charter school
16 or innovation zone school, or such proposed school,
17 is located. Accordingly, beginning July 1, 2013, all
18 references to the department of education, the state
19 board of education, and the director of the department
20 of education under this chapter or other provisions of
21 law relating to this chapter shall mean the board of
22 directors of the community college serving the merged
23 area in which the charter school or innovation zone
24 school, or such proposed school, is located.

25 2. Any contract entered into by the department of
26 education relating to the provisions of this chapter in
27 effect at the conclusion of the fiscal year beginning
28 July 1, 2012, shall continue in full force and effect
29 pending transfer of such contracts to the appropriate
30 community college board of directors.

31 3. Any rule, regulation, form, order, or directive
32 promulgated by the department of education relative
33 to the provisions of this chapter in existence at the
34 conclusion of the fiscal year beginning July 1, 2012,
35 shall continue in full force and effect.

36 Sec. 18. Section 256G.2, subsections 1 and 2, Code
37 2011, are amended by striking the subsections.

38 Sec. 19. Section 256G.3, subsection 1, paragraph
39 a, subparagraph (2), Code 2011, is amended to read as
40 follows:

41 (2) The policy shall include, in order of
42 consideration, the reasons for which a request to
43 transfer to the research and development school will
44 be allowed by the school district. The research and
45 development school may deny any request for transfer
46 under the policy and ~~such denial for transfer is not~~
47 ~~subject to appeal under section 290.1.~~ The research
48 and development school shall report the transfer and
49 enrollment of a new student directly to the ~~department~~
50 state board of regents.

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1 Sec. 20. Section 256G.4, subsection 2, Code 2011,
2 is amended to read as follows:
3 2. The ~~department~~ state board of regents shall be
4 the accreditation agency and as such shall serve as the
5 authority on teacher qualification requirements and
6 waiver provisions.
7 Sec. 21. Section 256G.4, subsection 3, paragraph a,
8 unnumbered paragraph 1, Code 2011, is amended to read
9 as follows:
10 A ~~seventeen-member~~ sixteen-member advisory council
11 is created, composed of the following members:
12 Sec. 22. Section 256G.4, subsection 3, paragraph a,
13 subparagraph (1), subparagraph division (a), Code 2011,
14 is amended by striking the subparagraph division.
15 Sec. 23. Section 256G.4, subsection 3, paragraph a,
16 subparagraph (2), unnumbered paragraph 1, Code 2011, is
17 amended to read as follows:
18 Ten members, as follows, who shall be jointly
19 recommended for membership by the president and the
20 director, shall be jointly approved by the state board
21 of regents and the state board of education, shall
22 serve three-year staggered terms, and shall be eligible
23 to serve for two consecutive three-year terms on the
24 council in addition to any partial, initial term:
25 Sec. 24. Section 256G.4, subsection 3, paragraph
26 c, subparagraph (2), Code 2011, is amended to read as
27 follows:
28 (2) The advisory council shall provide an annual
29 report to the president, the director, the state board
30 of regents, the state board of education, and the
31 general assembly.
32 Sec. 25. Section 256G.4, subsection 4, paragraph a,
33 unnumbered paragraph 1, Code 2011, is amended to read
34 as follows:
35 An ~~eleven-member~~ A ten-member standing institutional
36 research committee, appointed by the president and
37 the director, is created, composed of the following
38 members:
39 Sec. 26. Section 256G.4, subsection 4, paragraph a,
40 subparagraph (10), Code 2011, is amended by striking
41 the subparagraph.
42 Sec. 27. NEW SECTION. 256H.4 Transfer of authority
43 and duties.
44 1. Beginning July 1, 2013, the authority and duties
45 of the department of education and the director of
46 the department of education under this chapter shall
47 be transferred to the adjutant general of the state.
48 Accordingly, beginning July 1, 2013, all references to
49 the department of education and the director of the
50 department of education under this chapter or other

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1 provisions of law relating to this chapter shall mean
2 adjutant general of the state.

3 2. Any contract entered into by the department of
4 education relating to the provisions of this chapter in
5 effect at the conclusion of the fiscal year beginning
6 July 1, 2012, shall continue in full force and effect
7 pending transfer of such contracts to the adjutant
8 general of the state.

9 3. Any rule, regulation, form, order, or directive
10 promulgated by the department of education relative
11 to the provisions of this chapter in existence upon
12 conclusion of the fiscal year beginning July 1, 2012,
13 shall continue in full force and effect.

14 Sec. 28. NEW SECTION. 256I.13 Transfer of
15 authority and duties.

16 1. Beginning July 1, 2013, the authority and duties
17 of the department of education and the director of the
18 department of education under this chapter shall be
19 transferred to the department of human services and the
20 director of human services. Accordingly, beginning
21 July 1, 2013, all references to the department
22 of education or the director of the department of
23 education under this chapter or under other provisions
24 of law relating to this chapter shall mean the
25 department of human services and the director of human
26 services.

27 2. Any moneys remaining in any account or fund
28 under the control of the department of education at the
29 conclusion of the fiscal year beginning July 1, 2012,
30 relative to the provisions of this chapter shall be
31 transferred to the control of the department of human
32 services for such purposes. Notwithstanding section
33 8.33, the moneys transferred in accordance with this
34 subsection shall not revert to the account or fund from
35 which appropriated or transferred.

36 3. Any contract entered into by the department of
37 education relating to the provisions of this chapter in
38 effect at the conclusion of the fiscal year beginning
39 July 1, 2012, shall continue in full force and effect
40 pending transfer of such contracts to the department of
41 human services.

42 4. Any rule, regulation, form, order, or directive
43 promulgated by the department of education relative
44 to the provisions of this chapter in existence at the
45 conclusion of the fiscal year beginning July 1, 2012,
46 shall continue in full force and effect until amended,
47 repealed, or supplemented by affirmative action of
48 the department of human services under the duties
49 and powers established in this chapter and under the
50 procedure established in subsection 5.

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1 5. In regard to updating references and format in
2 the Iowa administrative code in order to correspond
3 to the transferring of duties of this chapter, the
4 administrative rules coordinator and the administrative
5 rules review committee, in consultation with the
6 administrative code editor, shall jointly develop
7 a schedule for the necessary updating of the Iowa
8 administrative code.

9 Sec. 29. Section 257C.5, subsection 1, Code 2011,
10 is amended to read as follows:

11 1. The powers of the authority are vested in and
12 exercised by a board consisting of five members,
13 including the treasurer of state, ~~the director of~~
14 ~~the department of education,~~ and the director of
15 the department of management, and ~~two~~ three members
16 appointed by the governor, subject to confirmation
17 by the senate. The state officials may designate
18 representatives to serve on the board for them. As far
19 as possible, the governor shall appoint members who are
20 knowledgeable or experienced in the school systems of
21 this state or in finance.

22 Sec. 30. NEW SECTION. 258.18 Transfer of authority
23 and duties.

24 1. Beginning July 1, 2013, the authority and
25 duties of the department of education, the state board
26 of education, and the director of the department of
27 education under this chapter shall be transferred
28 to the department of workforce development and the
29 director of the department of workforce development.
30 Accordingly, beginning July 1, 2013, all references
31 to the department of education under this chapter
32 and references to the department of education under
33 other provisions of law relating to this chapter shall
34 mean the department of workforce development and all
35 references to the state board of education or the
36 director of the department of education under this
37 chapter or other provisions of law relating to this
38 chapter shall mean the director of the department of
39 workforce development.

40 2. Any moneys remaining in any account or fund
41 under the control of the department of education
42 at the conclusion of the fiscal year beginning
43 July 1, 2012, relative to the provisions of this
44 chapter shall be transferred to the control of the
45 department of workforce development for such purposes.
46 Notwithstanding section 8.33, the moneys transferred in
47 accordance with this subsection shall not revert to the
48 account or fund from which appropriated or transferred.

49 3. Any contract entered into by the department of
50 education relating to the provisions of this chapter in

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1 effect at the conclusion of the fiscal year beginning
2 July 1, 2012, shall continue in full force and effect
3 pending transfer of such contracts to the department
4 of workforce development.

5 4. Any rule, regulation, form, order, or directive
6 promulgated by the department of education relative
7 to the provisions of this chapter in existence at the
8 conclusion of the fiscal year beginning July 1, 2012,
9 shall continue in full force and effect until amended,
10 repealed, or supplemented by affirmative action of the
11 department of workforce development under the duties
12 and powers established in this chapter and under the
13 procedure established in subsection 5.

14 5. In regard to updating references and format in
15 the Iowa administrative code in order to correspond
16 to the transferring of duties of this chapter, the
17 administrative rules coordinator and the administrative
18 rules review committee, in consultation with the
19 administrative code editor, shall jointly develop
20 a schedule for the necessary updating of the Iowa
21 administrative code.

22 Sec. 31. NEW SECTION. 259.1A **Transfer of authority**
23 **and duties.**

24 1. Beginning July 1, 2013, the authority and
25 duties of the department of education, the state board
26 of education, and the director of the department of
27 education under this chapter shall be transferred
28 to the department of workforce development and the
29 director of the department of workforce development.
30 Accordingly, beginning July 1, 2013, all references
31 to the department of education under this chapter
32 and references to the department of education under
33 other provisions of law relating to this chapter shall
34 mean the department of workforce development and all
35 references to the state board of education or the
36 director of the department of education under this
37 chapter or other provisions of law relating to this
38 chapter shall mean the director of the department of
39 workforce development.

40 2. Beginning July 1, 2013, the division of
41 vocational rehabilitation services created within the
42 department of education under section 259.3 shall be
43 transferred to the department of workforce development.

44 3. Any moneys remaining in any account or fund
45 under the control of the department of education
46 at the conclusion of the fiscal year beginning
47 July 1, 2012, relative to the provisions of this
48 chapter shall be transferred to the control of the
49 department of workforce development for such purposes.
50 Notwithstanding section 8.33, the moneys transferred in

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1 accordance with this subsection shall not revert to the
2 account or fund from which appropriated or transferred.

3 4. Any contract entered into by the department of
4 education relating to the provisions of this chapter in
5 effect at the conclusion of the fiscal year beginning
6 July 1, 2012, shall continue in full force and effect
7 pending transfer of such contracts to the department
8 of workforce development.

9 5. Any rule, regulation, form, order, or directive
10 promulgated by the department of education relative
11 to the provisions of this chapter in existence at the
12 conclusion of the fiscal year beginning July 1, 2012,
13 shall continue in full force and effect until amended,
14 repealed, or supplemented by affirmative action of the
15 department of workforce development under the duties
16 and powers established in this chapter and under the
17 procedure established in subsection 6.

18 6. In regard to updating references and format in
19 the Iowa administrative code in order to correspond
20 to the transferring of duties of this chapter, the
21 administrative rules coordinator and the administrative
22 rules review committee, in consultation with the
23 administrative code editor, shall jointly develop
24 a schedule for the necessary updating of the Iowa
25 administrative code.

26 Sec. 32. Section 259A.1, Code 2011, is amended to
27 read as follows:

28 **259A.1 Tests.**

29 ~~The department of education~~ Each board of directors
30 of the community college serving the merged area shall
31 cause to be made available for qualified individuals
32 a high school equivalency diploma. The diploma shall
33 be issued on the basis of satisfactory competence as
34 shown by tests covering all of the following: reading,
35 arts, language arts, writing, mathematics, science, and
36 social studies.

37 Sec. 33. Section 259A.2, unnumbered paragraph 2,
38 Code 2011, is amended to read as follows:

39 Application shall be made to a testing center
40 approved by the ~~department of education~~ board of
41 directors of the community college serving the merged
42 area, accompanied by an application fee in an amount
43 prescribed by the department board of directors of the
44 community college. The test scores shall be forwarded
45 by the testing center to the department board of
46 directors of the community college.

47 Sec. 34. Section 259A.3, Code Supplement 2011, is
48 amended to read as follows:

49 **259A.3 Notice and fee.**

50 Any applicant who has achieved the minimum passing

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1 standards as established by the department, and
2 ~~approved by the state board, board of directors of~~
3 ~~the community college shall be issued a high school~~
4 ~~equivalency diploma by the department upon payment of~~
5 ~~an additional amount determined in rules adopted by~~
6 ~~the state board of education by the board to cover the~~
7 ~~actual costs of the production and distribution of the~~
8 ~~diploma. The state board of education may also by rule~~
9 ~~establish a fee for the issuance or verification of a~~
10 ~~transcript which shall be based on the actual costs of~~
11 ~~the production or verification of a transcript.~~

12 Sec. 35. Section 259A.4, Code 2011, is amended to
13 read as follows:

14 **259A.4 Use of fees.**

15 The fees collected under the provisions of this
16 chapter shall be used for the expenses incurred in
17 administering, providing test materials, scoring of
18 examinations and issuance of high school equivalency
19 diplomas, and shall be disbursed on the authorization
20 ~~of the director of the department of education board~~
21 ~~of directors of the community college. The treasurer~~
22 ~~of state shall be custodian of the funds paid to the~~
23 ~~department community college and shall disburse the~~
24 ~~same on vouchers audited as provided by law. The~~
25 ~~unobligated balance in such funds at the close of each~~
26 ~~biennium shall be placed in the general fund of the~~
27 ~~state.~~

28 Sec. 36. Section 259A.5, Code 2011, is amended to
29 read as follows:

30 **259A.5 Rules.**

31 ~~The director of the department of education Each~~
32 ~~board of directors of the community college shall adopt~~
33 ~~tests, definitions of terms, and forms as necessary for~~
34 ~~the administration of this chapter. The state board~~
35 ~~shall adopt rules under chapter 17A to carry out this~~
36 ~~chapter.~~

37 **Sec. 37. NEW SECTION. 260C.1A Transfer of**
38 **authority and duties.**

39 1. Beginning July 1, 2013, the authority and
40 duties of the department of education, the state board
41 of education, and the director of the department of
42 education under this chapter shall, to the extent
43 feasible, be transferred to the boards of directors
44 of the community colleges serving the merged areas of
45 the state. Accordingly, beginning July 1, 2013, all
46 references to the department of education, the state
47 board of education, and the director of the department
48 of education under this chapter and references to the
49 department of education, the state board of education,
50 and the director of the department of education under

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1 other provisions of law relating to this chapter shall
2 mean the applicable board of directors of a community
3 college.

4 2. Beginning July 1, 2013, transfer of the duties
5 and authority of the department shall also include
6 all duties and authority of the community colleges
7 division created within the department of education
8 under section 260C.6.

9 3. Any moneys remaining in any account or fund
10 under the control of the department of education at the
11 conclusion of the fiscal year beginning July 1, 2012,
12 relative to the provisions of this chapter shall be
13 transferred to the control of the applicable board of
14 directors of a community college for such purposes.
15 Notwithstanding section 8.33, the moneys transferred in
16 accordance with this subsection shall not revert to the
17 account or fund from which appropriated or transferred.

18 4. Any contract entered into by the department of
19 education relating to the provisions of this chapter in
20 effect at the conclusion of the fiscal year beginning
21 July 1, 2012, shall continue in full force and effect
22 pending transfer of such contracts to the boards of
23 directors of the community colleges.

24 5. Any rule, regulation, form, order, or directive
25 promulgated by the department of education relative
26 to the provisions of this chapter in existence at the
27 conclusion of the fiscal year beginning July 1, 2012,
28 shall continue in full force and effect.

29 Sec. 38. Section 260E.7, subsection 1, Code
30 Supplement 2011, is amended to read as follows:

31 1. The economic development authority, in
32 consultation with the ~~department of education, the~~
33 ~~department of revenue,~~ and the department of workforce
34 development, shall coordinate and review the new jobs
35 training program. The economic development authority
36 shall adopt, amend, and repeal rules under chapter
37 17A that the community college will use in developing
38 projects with new and expanding industrial new jobs
39 training proposals and that the economic development
40 authority shall use to review and report on the new
41 jobs training program as required in this section.

42 Sec. 39. Section 260F.6B, Code Supplement 2011, is
43 amended to read as follows:

44 **260F.6B High technology apprenticeship program.**

45 The community colleges and the economic development
46 authority are authorized to fund high technology
47 apprenticeship programs which comply with the
48 requirements specified in section 260C.44 and which may
49 include both new and statewide apprenticeship programs.
50 Notwithstanding the provisions of section 260F.6,

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1 subsection 2, relating to maximum award amounts,
2 moneys allocated to the community colleges with high
3 technology apprenticeship programs shall be distributed
4 to the community colleges based upon contact hours
5 under the programs administered during the prior
6 fiscal year as determined by the ~~department of~~
7 ~~education~~ economic development authority. The economic
8 development authority shall adopt rules governing this
9 section's operation and participant eligibility.

10 Sec. 40. Section 260F.7, Code Supplement 2011, is
11 amended to read as follows:

12 **260F.7 Economic development authority to coordinate.**

13 The economic development authority, in consultation
14 with the ~~department of education and the department~~
15 of workforce development, shall coordinate the jobs
16 training program. A project shall not be funded
17 under this chapter unless the economic development
18 authority approves the project. The authority shall
19 adopt rules pursuant to chapter 17A governing the
20 program's operation and eligibility for participation
21 in the program. The authority shall establish by rule
22 criteria for determining what constitutes an eligible
23 business.

24 Sec. 41. Section 260H.2, Code Supplement 2011, is
25 amended to read as follows:

26 **260H.2 Pathways for academic career and employment**
27 **program.**

28 A pathways for academic career and employment
29 program is established to provide funding to
30 community colleges for the development of projects
31 in coordination with the economic development
32 authority, the department of ~~education, Iowa~~ workforce
33 development, regional advisory boards established
34 pursuant to section 84A.4, and community partners to
35 implement a simplified, streamlined, and comprehensive
36 process, along with customized support services, to
37 enable eligible participants to acquire effective
38 academic and employment training to secure gainful,
39 quality, in-state employment.

40 Sec. 42. Section 260H.8, Code Supplement 2011, is
41 amended to read as follows:

42 **260H.8 Rules.**

43 ~~The department of education economic development~~
44 ~~authority, in consultation with the community colleges,~~
45 ~~the economic development authority, and Iowa the~~
46 ~~department of workforce development, shall adopt rules~~
47 ~~pursuant to chapter 17A and this chapter to implement~~
48 ~~the provisions of this chapter. Regional advisory~~
49 ~~boards established pursuant to section 84A.4 shall be~~
50 ~~consulted in the development and implementation of~~

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1 rules to be adopted pursuant to this chapter.

2 Sec. 43. Section 260I.3, subsection 1, Code
3 Supplement 2011, is amended to read as follows:

4 1. ~~The department of education, in consultation~~
5 ~~with the~~ economic development authority, shall adopt
6 rules pursuant to this chapter defining eligibility
7 criteria for persons applying to receive tuition
8 assistance under this chapter.

9 Sec. 44. Section 260I.10, Code Supplement 2011, is
10 amended to read as follows:

11 **260I.10 Oversight.**

12 1. ~~The department of education~~ economic development
13 authority, in coordination with the community colleges,
14 shall establish a steering committee. The steering
15 committee shall determine if the performance measures
16 of the gap tuition assistance program are being met and
17 shall take necessary steps to correct any deficiencies.
18 The steering committee shall meet at least quarterly to
19 evaluate and monitor the performance of the gap tuition
20 assistance program.

21 2. ~~The department of education~~ economic development
22 authority, in coordination with the community colleges,
23 shall develop a common intake tracking system that
24 shall be implemented consistently by each participating
25 community college.

26 3. ~~The department of education~~ economic development
27 authority shall coordinate statewide oversight,
28 evaluation, and reporting efforts for the gap tuition
29 assistance program.

30 Sec. 45. Section 260I.11, Code Supplement 2011, is
31 amended to read as follows:

32 **260I.11 Rules.**

33 ~~The department of education~~ economic development
34 authority, in consultation with the ~~economic~~
35 ~~development authority and the~~ community colleges, shall
36 adopt rules pursuant to chapter 17A and this chapter to
37 implement the provisions of this chapter.

38 Sec. 46. Section 261.1, subsection 2, paragraph b,
39 Code 2011, is amended by striking the paragraph.

40 Sec. 47. NEW SECTION. 261.8 Transfer of authority
41 and duties.

42 1. Beginning July 1, 2013, the authority
43 and duties of the department of education, the
44 state board of education, and the director of the
45 department of education under this chapter shall be
46 transferred to the college student aid commission.
47 Accordingly, beginning July 1, 2013, all references
48 to the department of education or the director of
49 the department of education under this chapter and
50 references to the department of education or the

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1 director of the department of education under other
2 provisions of law relating to this chapter shall mean
3 the college student aid commission.

4 2. Any moneys remaining in any account or fund
5 under the control of the department of education at the
6 conclusion of the fiscal year beginning July 1, 2012,
7 relative to the provisions of this chapter shall be
8 transferred to the control of the college student aid
9 commission for such purposes. Notwithstanding section
10 8.33, the moneys transferred in accordance with this
11 subsection shall not revert to the account or fund from
12 which appropriated or transferred.

13 3. Any contract entered into by the department of
14 education relating to the provisions of this chapter in
15 effect at the conclusion of the fiscal year beginning
16 July 1, 2012, shall continue in full force and effect
17 pending transfer of such contracts to the college
18 student aid commission.

19 4. Any rule, regulation, form, order, or directive
20 promulgated by the department of education relative
21 to the provisions of this chapter in existence at the
22 conclusion of the fiscal year beginning July 1, 2012,
23 shall continue in full force and effect until amended,
24 repealed, or supplemented by affirmative action of
25 the college student aid commission under the duties
26 and powers established in this chapter and under the
27 procedure established in subsection 5.

28 5. In regard to updating references and format in
29 the Iowa administrative code in order to correspond
30 to the transferring of duties of this chapter, the
31 administrative rules coordinator and the administrative
32 rules review committee, in consultation with the
33 administrative code editor, shall jointly develop
34 a schedule for the necessary updating of the Iowa
35 administrative code.

36 Sec. 48. Section 261B.3A, subsection 2, Code 2011,
37 is amended to read as follows:

38 2. A practitioner preparation program operated
39 by a school that applies to register the program
40 in accordance with this chapter shall, in order to
41 register, be accredited by an agency or organization
42 approved or recognized by the United States department
43 of education or a successor agency, ~~be approved by the~~
44 ~~state board of education pursuant to section 256.7,~~
45 ~~subsection 3,~~ and, subsequently, be approved for
46 operation by the commission.

47 Sec. 49. NEW SECTION. 261E.1A Transfer of
48 authority and duties.

49 1. Beginning July 1, 2013, the authority and
50 duties of the department of education, the state board

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1 of education, and the director of the department of
2 education under this chapter shall be transferred to
3 the state board of regents. Accordingly, beginning
4 July 1, 2013, all references to the department of
5 education, the state board of education, or the
6 director of the department of education under this
7 chapter and references to the department of education,
8 state board of education, or director of the department
9 of education under other provisions of law relating to
10 this chapter shall mean the state board of regents.

11 2. Any moneys remaining in any account or fund
12 under the control of the department of education at
13 the conclusion of the fiscal year beginning July 1,
14 2012, relative to the provisions of this chapter shall
15 be transferred to the control of the state board of
16 regents for such purposes. Notwithstanding section
17 8.33, the moneys transferred in accordance with this
18 subsection shall not revert to the account or fund from
19 which appropriated or transferred.

20 3. Any contract entered into by the department of
21 education relating to the provisions of this chapter in
22 effect at the conclusion of the fiscal year beginning
23 July 1, 2012, shall continue in full force and effect
24 pending transfer of such contracts to the state board
25 of regents.

26 4. Any rule, regulation, form, order, or directive
27 promulgated by the department of education relative
28 to the provisions of this chapter in existence at the
29 conclusion of the fiscal year beginning July 1, 2012,
30 shall continue in full force and effect until amended,
31 repealed, or supplemented by affirmative action of the
32 state board of regents under the duties and powers
33 established in this chapter and under the procedure
34 established in subsection 5.

35 5. In regard to updating references and format in
36 the Iowa administrative code in order to correspond
37 to the transferring of duties of this chapter, the
38 administrative rules coordinator and the administrative
39 rules review committee, in consultation with the
40 administrative code editor, shall jointly develop
41 a schedule for the necessary updating of the Iowa
42 administrative code.

43 Sec. 50. Section 262.9, subsection 27, Code
44 Supplement 2011, is amended to read as follows:

45 ~~27. Explore, in conjunction with the department~~
46 ~~of education,~~ the need for coordination between
47 school districts, area education agencies, state
48 board of regents institutions, and community
49 colleges for purposes of delivery of courses, use of
50 telecommunications, transportation, and other similar

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1 issues. Coordination may include but is not limited
2 to coordination of calendars, programs, schedules, or
3 telecommunications emissions. The state board shall
4 develop recommendations as necessary, which shall be
5 submitted in a report to the general assembly on a
6 timely basis.

7 Sec. 51. Section 262.9, subsection 33, unnumbered
8 paragraph 1, Code Supplement 2011, is amended to read
9 as follows:

10 ~~In consultation with the state board of education,~~
11 ~~establish~~ Establish and enter into a collective
12 statewide articulation agreement with the community
13 colleges established pursuant to chapter 260C, which
14 shall provide for the seamless transfer of academic
15 credits from a completed associate of arts or associate
16 of science degree program offered by a community
17 college to a baccalaureate degree program offered by an
18 institution of higher education governed by the board.
19 The board shall also do the following:

20 Sec. 52. Section 262.9, subsection 33, paragraph i,
21 Code Supplement 2011, is amended to read as follows:

22 i. ~~Prepare, jointly with the department of~~
23 ~~education and the liaison advisory committee on~~
24 transfer students, and submit by January 15 annually
25 to the general assembly, an update on the articulation
26 efforts and activities implemented by the community
27 colleges and the institutions of higher education
28 governed by the board.

29 Sec. 53. Section 262.71, subsection 9, Code 2011,
30 is amended by striking the subsection.

31 Sec. 54. Section 266.39C, subsection 2, paragraph
32 a, subparagraph (5), Code Supplement 2011, is amended
33 to read as follows:

34 (5) One representative of community colleges,
35 appointed by the ~~state board of education~~ governor.

36 Sec. 55. Section 266.39C, subsection 6, Code
37 Supplement 2011, is amended to read as follows:

38 6. The Iowa energy center shall ~~cooperate with~~
39 ~~the state board of education in developing~~ develop
40 a curriculum which promotes energy efficiency and
41 conservation.

42 Sec. 56. Section 272.1, subsection 4, Code 2011, is
43 amended by striking the subsection.

44 Sec. 57. NEW SECTION. 272.1A Transfer of authority
45 and duties.

46 1. Beginning July 1, 2013, the authority and
47 duties of the department of education, the state board
48 of education, and the director of the department of
49 education under this chapter shall be transferred to
50 the board of educational examiners. Accordingly,

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1 beginning July 1, 2013, all references to the
2 department of education, the state board of education,
3 or the director of the department of education under
4 this chapter and references to the department of
5 education, state board of education, or director of
6 the department of education under other provisions of
7 law relating to this chapter shall mean the board of
8 educational examiners.

9 2. Any moneys remaining in any account or fund
10 under the control of the department of education at the
11 conclusion of the fiscal year beginning July 1, 2012,
12 relative to the provisions of this chapter shall be
13 transferred to the control of the board of educational
14 examiners for such purposes. Notwithstanding section
15 8.33, the moneys transferred in accordance with this
16 subsection shall not revert to the account or fund from
17 which appropriated or transferred.

18 3. Any contract entered into by the department of
19 education relating to the provisions of this chapter in
20 effect at the conclusion of the fiscal year beginning
21 July 1, 2012, shall continue in full force and effect
22 pending transfer of such contracts to the board of
23 educational examiners.

24 Sec. 58. Section 272.3, Code 2011, is amended to
25 read as follows:

26 **272.3 Membership.**

27 1. The board of educational examiners consists of
28 twelve members. Two must be members of the general
29 public, ~~one must be the director of the department of~~
30 ~~education or the director's designee,~~ and the remaining
31 ~~nine~~ ten members must be licensed practitioners. One
32 of the public members shall have served on a school
33 board. The public members shall never have held a
34 practitioner's license, but shall have a demonstrated
35 interest in education. The ~~nine~~ ten practitioners
36 shall be selected from the following areas and
37 specialties of the teaching profession:

- 38 a. Elementary teachers.
- 39 b. Secondary teachers.
- 40 c. Special education or other similar teachers.
- 41 d. Counselors or other special purpose
- 42 practitioners.
- 43 e. Administrators.
- 44 f. School service personnel.

45 2. A majority of the licensed practitioner members
46 shall be nonadministrative practitioners. Four of the
47 members shall be administrators. Membership of the
48 board shall comply with the requirements of sections
49 69.16 and 69.16A. A quorum of the board shall consist
50 of six members. Members shall elect a chairperson

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1 of the board. Members, ~~except for the director~~
2 ~~of the department of education or the director's~~
3 ~~designee~~, shall be appointed by the governor subject to
4 confirmation by the senate.

5 Sec. 59. Section 272.4, subsection 1, unnumbered
6 paragraph 1, Code 2011, is amended to read as follows:

7 ~~Members, except for the director of the department~~
8 ~~of education or the director's designee~~, shall be
9 appointed to serve staggered terms of four years.
10 A member shall not serve more than two consecutive
11 terms, ~~except for the director of the department of~~
12 ~~education or the director's designee~~, who shall serve
13 ~~until the director's term of office expires~~. A member
14 of the board, except for the two public members and
15 ~~the director of the department of education or the~~
16 ~~director's designee~~, shall hold a valid practitioner's
17 license during the member's term of office. A vacancy
18 exists when any of the following occur:

19 Sec. 60. Section 272.25, subsections 3, 4, and 8,
20 Code 2011, are amended to read as follows:

21 3. A requirement that the program include
22 instruction in skills and strategies to be used in
23 classroom management of individuals, and of small and
24 large groups, under varying conditions; and skills for
25 communicating and working constructively with pupils,
26 teachers, administrators, and parents; ~~and skills for~~
27 ~~understanding the role of the board of education and~~
28 ~~the functions of other education agencies in the state.~~
29 ~~The requirement shall be based upon recommendations of~~
30 ~~the department of education after consultation with~~
31 ~~teacher education faculty members in colleges and~~
32 ~~universities.~~

33 4. A requirement that prescribes minimum
34 experiences and responsibilities to be accomplished
35 during the student teaching experience by the student
36 teacher and by the cooperating teacher ~~based upon~~
37 ~~recommendations of the department of education after~~
38 ~~consultation with teacher education faculty members~~
39 ~~in colleges and universities~~. The student teaching
40 experience shall include opportunities for the student
41 teacher to become knowledgeable about the Iowa teaching
42 standards, including a mock evaluation performed by
43 the cooperating teacher. The mock evaluation shall
44 not be used as an assessment tool by the practitioner
45 preparation program. The student teaching experience
46 shall consist of interactive experiences involving the
47 college or university personnel, the student teacher,
48 the cooperating teacher, and administrative personnel
49 from the cooperating teacher's school district.

50 8. A requirement that an approved practitioner

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1 preparation institution submit evidence that the
2 college ~~or department of education~~ is communicating
3 with other colleges or departments in the institution
4 so that practitioner preparation students may integrate
5 teaching methodology with subject matter areas of
6 specialization.

7 Sec. 61. NEW SECTION. 273.1A Transfer of authority
8 and duties.

9 1. Beginning July 1, 2013, the authority and
10 duties of the department of education, the state board
11 of education, and the director of the department of
12 education under this chapter shall, to the extent
13 feasible, be transferred to the area education agency
14 boards of directors in this state. Accordingly,
15 beginning July 1, 2013, all references to the
16 department of education, the state board of education,
17 and the director of the department of education
18 under this chapter and references to the department
19 of education, the state board of education, and the
20 director of the department of education under other
21 provisions of law relating to this chapter shall
22 mean the applicable area education agency board of
23 directors.

24 2. Any rule, regulation, form, order, or directive
25 promulgated by the department of education relative
26 to the provisions of this chapter in existence at the
27 conclusion of the fiscal year beginning July 1, 2012,
28 shall continue in full force and effect.

29 Sec. 62. NEW SECTION. 274.1A Transfer of authority
30 and duties.

31 1. Beginning July 1, 2013, the authority and duties
32 of the department of education and the director of
33 the department of education under this chapter shall,
34 to the extent feasible, be transferred to the area
35 education agency boards of directors in this state.
36 Accordingly, beginning July 1, 2013, all references
37 to the department of education and the director of
38 the department of education under this chapter and
39 references to the department of education and the
40 director of the department of education under other
41 provisions of law relating to this chapter shall
42 mean the applicable area education agency board of
43 directors.

44 2. Any rule, regulation, form, order, or directive
45 promulgated by the department of education or the
46 director of the department of education relative to
47 the provisions of this chapter in existence at the
48 conclusion of the fiscal year beginning July 1, 2012,
49 shall continue in full force and effect.

50 Sec. 63. NEW SECTION. 275.1A Transfer of authority

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1 **and duties.**

2 1. Beginning July 1, 2013, the authority and
3 duties of the department of education, the state board
4 of education, and the director of the department of
5 education under this chapter shall, to the extent
6 feasible, be transferred to the area education agency
7 boards of directors in this state. Accordingly,
8 beginning July 1, 2013, all references to the
9 department of education, the state board of education,
10 and the director of the department of education
11 under this chapter and references to the department
12 of education, the state board of education, and the
13 director of the department of education under other
14 provisions of law relating to this chapter shall
15 mean the applicable area education agency board of
16 directors.

17 2. Any rule, regulation, form, order, or directive
18 promulgated by the department of education, the state
19 board of education, or the director of the department
20 of education relative to the provisions of this chapter
21 in existence at the conclusion of the fiscal year
22 beginning July 1, 2012, shall continue in full force
23 and effect.

24 Sec. 64. Section 276.3, subsections 5 and 9, Code
25 2011, are amended by striking the subsections.

26 Sec. 65. Section 279.51, subsection 1, unnumbered
27 paragraph 1, Code Supplement 2011, is amended to read
28 as follows:

29 There is appropriated from the general fund of the
30 state to the department of ~~education~~ management for the
31 fiscal year beginning July 1, 2007, and each succeeding
32 fiscal year, the sum of twelve million six hundred six
33 thousand one hundred ninety-six dollars. The moneys
34 shall be allocated as follows:

35 Sec. 66. NEW SECTION. 279.68 **Transfer of authority**
36 **and duties.**

37 1. Beginning July 1, 2013, the authority and
38 duties of the department of education, the state board
39 of education, and the director of the department of
40 education under this chapter, to the extent feasible,
41 shall be transferred to the boards of directors
42 for the respective school districts in the state.
43 Accordingly, beginning July 1, 2013, all references
44 to the department of education, the state board of
45 education, and the director of the department of
46 education under this chapter and references to the
47 department of education, the state board of education,
48 and the director of the department of education under
49 other provisions of law relating to this chapter shall
50 mean the applicable board of directors of the school

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1 district.

2 2. Any rule, regulation, form, order, or directive
3 promulgated by the department of education, the state
4 board of education, or the director of the department
5 of education relative to the provisions of this chapter
6 in existence at the conclusion of the fiscal year
7 beginning July 1, 2012, shall continue in full force
8 and effect.

9 Sec. 67. NEW SECTION. 280.1A Transfer of authority
10 and duties.

11 1. Beginning July 1, 2013, the authority and
12 duties of the department of education, the state board
13 of education, and the director of the department of
14 education under this chapter, to the extent feasible,
15 shall be transferred to the boards of directors
16 for the respective school districts in the state.
17 Accordingly, beginning July 1, 2013, all references
18 to the department of education, the state board of
19 education, and the director of the department of
20 education under this chapter and references to the
21 department of education, the state board of education,
22 and the director of the department of education under
23 other provisions of law relating to this chapter shall
24 mean the applicable board of directors of the school
25 district.

26 2. Any rule, regulation, form, order, or directive
27 promulgated by the department of education, the state
28 board of education, or the director of the department
29 of education relative to the provisions of this chapter
30 in existence at the conclusion of the fiscal year
31 beginning July 1, 2012, shall continue in full force
32 and effect.

33 Sec. 68. NEW SECTION. 282.1A Transfer of authority
34 and duties.

35 1. Beginning July 1, 2013, the authority and
36 duties of the department of education, the state board
37 of education, and the director of the department of
38 education under this chapter, to the extent feasible,
39 shall be transferred to the boards of directors
40 for the respective school districts in the state.
41 Accordingly, beginning July 1, 2013, all references
42 to the department of education, the state board of
43 education, and the director of the department of
44 education under this chapter and references to the
45 department of education, the state board of education,
46 and the director of the department of education under
47 other provisions of law relating to this chapter shall
48 mean the applicable board of directors of the school
49 district.

50 2. Any rule, regulation, form, order, or directive

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1 promulgated by the department of education, the state
2 board of education, or the director of the department
3 of education relative to the provisions of this chapter
4 in existence at the conclusion of the fiscal year
5 beginning July 1, 2012, shall continue in full force
6 and effect.

7 Sec. 69. Section 282.18, subsections 5 and 13, Code
8 2011, are amended to read as follows:

9 5. Open enrollment applications filed after March
10 1 of the preceding school year that do not qualify
11 for good cause as provided in subsection 4 shall be
12 subject to the approval of the board of the resident
13 district and the board of the receiving district. The
14 parent or guardian shall send notification to the
15 district of residence and the receiving district that
16 the parent or guardian seeks to enroll the parent's or
17 guardian's child in the receiving district. ~~A decision~~
18 ~~of either board to deny an application filed under this~~
19 ~~subsection involving repeated acts of harassment of~~
20 ~~the student or serious health condition of the student~~
21 ~~that the resident district cannot adequately address~~
22 ~~is subject to appeal under section 290.1. The state~~
23 ~~board shall exercise broad discretion to achieve just~~
24 ~~and equitable results that are in the best interest of~~
25 ~~the affected child or children.~~

26 13. If a request under this section is for transfer
27 to a laboratory school, as described in chapter
28 265, the student, who is the subject of the request,
29 shall not be included in the basic enrollment of the
30 student's district of residence, and the laboratory
31 school shall report the enrollment of the student
32 directly to the department of education management,
33 unless the number of students from the district
34 attending the laboratory school during the current
35 school year, as a result of open enrollment under this
36 section, exceeds the number of students enrolled in
37 the laboratory school from that district during the
38 1989-1990 school year. If the number of students
39 enrolled in the laboratory school from a district
40 during the current year exceeds the number of students
41 enrolled from that district during the 1989-1990 school
42 year, those students who represent the difference
43 between the current and the 1988-1989 school year
44 enrollment figures shall be included in the basic
45 enrollment of the students' districts of residence
46 and the districts shall retain any moneys received
47 as a result of the inclusion of the student in the
48 district enrollment. The total number of students
49 enrolled at a laboratory school during a school year
50 shall not exceed six hundred seventy students. The

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1 regents institution operating the laboratory school and
2 the board of directors of the school district in the
3 community in which the regents institution is located
4 shall develop a student transfer policy designed to
5 protect and promote the quality and integrity of the
6 teacher education program at the laboratory school, the
7 viability of the education program of the local school
8 district in which the regents institution is located,
9 and to indicate the order in which and reasons why
10 requests to transfer to a laboratory school shall be
11 considered. A laboratory school may deny a request for
12 transfer under the policy. ~~A denial of a request to~~
13 ~~transfer under this subsection is not subject to appeal~~
14 ~~under section 290.1.~~

15 Sec. 70. Section 283.1, Code 2011, is amended to
16 read as follows:

17 **283.1 Federal funds accepted.**

18 The director of the department of education
19 management is the "*state educational authority*" for
20 the purpose of accepting and administering funds
21 appropriated by Congress for educational purposes
22 and the funds shall be deposited with the treasurer
23 of state and disbursed through the department of
24 administrative services on vouchers audited as provided
25 by law. When state matching funds are required as
26 a condition to the acceptance of federal funds, the
27 director of the department of ~~education~~ management may
28 make expenditures for matching only from funds provided
29 by the legislature for that purpose. However, when
30 federal funds may be matched with expenditures from
31 funds appropriated for the general operation of the
32 department of ~~education~~ management, this may be done
33 with the approval of the legislative council.

34 Sec. 71. **NEW SECTION. 283A.1A Transfer of**
35 **authority and duties.**

36 1. Beginning July 1, 2013, the authority and
37 duties of the department of education, the state board
38 of education, and the director of the department of
39 education under this chapter, to the extent feasible,
40 shall be transferred to the boards of directors
41 for the respective school districts in the state.
42 Accordingly, beginning July 1, 2013, all references
43 to the department of education, the state board of
44 education, and the director of the department of
45 education under this chapter and references to the
46 department of education, the state board of education,
47 and the director of the department of education under
48 other provisions of law relating to this chapter shall
49 mean the applicable board of directors of the school
50 district.

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1 2. Any rule, regulation, form, order, or directive
2 promulgated by the department of education, the state
3 board of education, or the director of the department
4 of education relative to the provisions of this chapter
5 in existence at the conclusion of the fiscal year
6 beginning July 1, 2012, shall continue in full force
7 and effect.

8 Sec. 72. Section 283A.3, Code 2011, is amended to
9 read as follows:

10 **283A.3 Expenditure of federal funds.**

11 The director of the department of ~~education~~
12 ~~management~~ shall accept and direct the disbursement
13 of funds appropriated by any Act of Congress and
14 appropriated to the state of Iowa for use in connection
15 with school breakfast or lunch programs. The director
16 shall deposit the funds with the treasurer of the
17 state of Iowa, who shall make disbursements upon the
18 direction of the director.

19 **Sec. 73. NEW SECTION. 284.1A Transfer of authority**
20 **and duties.**

21 1. Beginning July 1, 2013, the authority and
22 duties of the department of education, the state board
23 of education, and the director of the department of
24 education under this chapter, to the extent feasible,
25 shall be transferred to the boards of directors
26 for the respective school districts in the state.
27 Accordingly, beginning July 1, 2013, all references
28 to the department of education, the state board of
29 education, and the director of the department of
30 education under this chapter and references to the
31 department of education, the state board of education,
32 and the director of the department of education under
33 other provisions of law relating to this chapter shall
34 mean the applicable board of directors of the school
35 district.

36 2. Any rule, regulation, form, order, or directive
37 promulgated by the department of education, the state
38 board of education, or the director of the department
39 of education relative to the provisions of this chapter
40 in existence at the conclusion of the fiscal year
41 beginning July 1, 2012, shall continue in full force
42 and effect.

43 **Sec. 74. NEW SECTION. 284A.1A Transfer of**
44 **authority and duties.**

45 1. Beginning July 1, 2013, the authority and
46 duties of the department of education, the state board
47 of education, and the director of the department of
48 education under this chapter, to the extent feasible,
49 shall be transferred to the boards of directors
50 for the respective school districts in the state.

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1 Accordingly, beginning July 1, 2013, all references
2 to the department of education, the state board of
3 education, and the director of the department of
4 education under this chapter and references to the
5 department of education, the state board of education,
6 and the director of the department of education under
7 other provisions of law relating to this chapter shall
8 mean the applicable board of directors of the school
9 district.

10 2. Any rule, regulation, form, order, or directive
11 promulgated by the department of education, the state
12 board of education, or the director of the department
13 of education relative to the provisions of this chapter
14 in existence at the conclusion of the fiscal year
15 beginning July 1, 2012, shall continue in full force
16 and effect.

17 Sec. 75. NEW SECTION. 285.7 Transfer of authority
18 and duties.

19 1. Beginning July 1, 2013, the authority and
20 duties of the department of education, the state board
21 of education, and the director of the department of
22 education under this chapter, to the extent feasible,
23 shall be transferred to the boards of directors
24 for the respective school districts in the state.
25 Accordingly, beginning July 1, 2013, all references
26 to the department of education, the state board of
27 education, and the director of the department of
28 education under this chapter and references to the
29 department of education, the state board of education,
30 and the director of the department of education under
31 other provisions of law relating to this chapter shall
32 mean the applicable board of directors of the school
33 district.

34 2. Any rule, regulation, form, order, or directive
35 promulgated by the department of education, the state
36 board of education, or the director of the department
37 of education relative to the provisions of this chapter
38 in existence at the conclusion of the fiscal year
39 beginning July 1, 2012, shall continue in full force
40 and effect.

41 Sec. 76. Section 291.11, Code 2011, is amended to
42 read as follows:

43 291.11 Officers reported.

44 The secretary shall report to the director of the
45 department of ~~education management~~, the county auditor,
46 and county treasurer the name and post office address
47 of the president, treasurer and secretary of the board
48 as soon as practicable after the qualification of each.

49 Sec. 77. NEW SECTION. 292.1A Transfer of authority
50 and duties.

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1 1. Beginning July 1, 2013, the authority and duties
2 of the department of education under this chapter
3 shall be transferred to the department of revenue.
4 Accordingly, beginning July 1, 2013, all references
5 to the department of education under this chapter and
6 references to the department of education under other
7 provisions of law relating to this chapter shall mean
8 the department of revenue.
9 2. Any moneys remaining in any account or fund
10 under the control of the department of education at the
11 conclusion of the fiscal year beginning July 1, 2012,
12 relative to the provisions of this chapter shall be
13 transferred to the control of the department of revenue
14 for such purposes. Notwithstanding section 8.33, the
15 moneys transferred in accordance with this subsection
16 shall not revert to the account or fund from which
17 appropriated or transferred.
18 3. Any contract entered into by the department of
19 education relating to the provisions of this chapter in
20 effect at the conclusion of the fiscal year beginning
21 July 1, 2012, shall continue in full force and effect
22 pending transfer of such contracts to the department
23 of revenue.
24 4. Any rule, regulation, form, order, or directive
25 promulgated by the department of education relative
26 to the provisions of this chapter in existence at the
27 conclusion of the fiscal year beginning July 1, 2012,
28 shall continue in full force and effect until amended,
29 repealed, or supplemented by affirmative action of
30 the department of revenue under the duties and powers
31 established in this chapter and under the procedure
32 established in subsection 5.
33 5. In regard to updating references and format in
34 the Iowa administrative code in order to correspond
35 to the transferring of duties of this chapter, the
36 administrative rules coordinator and the administrative
37 rules review committee, in consultation with the
38 administrative code editor, shall jointly develop
39 a schedule for the necessary updating of the Iowa
40 administrative code.
41 Sec. 78. Section 294.5, Code 2011, is amended to
42 read as follows:
43 **294.5 Reports.**
44 The teacher shall file with the school
45 superintendent ~~and the director of the department of~~
46 ~~education~~ such reports and in such manner as may be
47 required.
48 Sec. 79. Section 296.3, Code 2011, is amended to
49 read as follows:
50 **296.3 Election called.**

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1 Within ten days of receipt of a petition filed under
2 section 296.2, the president of the board of directors
3 shall call a meeting of the board. The meeting shall
4 be held within thirty days after the petition was
5 received. At the meeting, the board shall call the
6 election, fixing the time of the election, which
7 may be at the time and place of holding the regular
8 school election. However, if the board determines by
9 unanimous vote that the proposition or propositions
10 requested by a petition to be submitted at an election
11 are grossly unrealistic or contrary to the needs of
12 the school district, no election shall be called. If
13 more than one petition has been received by the time
14 the board meets to consider the petition triggering
15 the meeting, the board shall act upon the petitions in
16 the order they were received at the meeting called to
17 consider the initial petition. ~~The decision of the~~
18 ~~board may be appealed to the state board of education~~
19 ~~as provided in chapter 290.~~ The president shall notify
20 the county commissioner of elections of the time of the
21 election.

22 Sec. 80. NEW SECTION. 297.37 **Transfer of authority**
23 **and duties.**

24 1. Beginning July 1, 2013, the authority and duties
25 of the department of education and the director of
26 the department of education under this chapter shall
27 be transferred to the department of administrative
28 services and the director of the department of
29 administrative services. Accordingly, beginning
30 July 1, 2013, all references to the department of
31 education and the director of the department of
32 education under this chapter and references to the
33 department of education and the director of the
34 department of education under other provisions of law
35 relating to this chapter shall mean the department
36 of administrative services or the director of the
37 department of administrative services.

38 2. Any rule, regulation, form, order, or directive
39 promulgated by the department of education or the
40 director of the department of education relative to
41 the provisions of this chapter in existence at the
42 conclusion of the fiscal year beginning July 1, 2012,
43 shall continue in full force and effect.

44 Sec. 81. Section 298A.8, Code 2011, is amended to
45 read as follows:

46 **298A.8 Student activity fund.**

47 The student activity fund is a special revenue
48 fund. A student activity fund must be established
49 in any school corporation receiving money from
50 student-related activities such as admissions, activity

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1 fees, student dues, student fund-raising events, or
2 other student-related cocurricular or extracurricular
3 activities. Moneys in this fund shall be used to
4 support only the cocurricular program defined in
5 ~~department of education administrative rules.~~

6 Sec. 82. NEW SECTION. 299.25 Transfer of authority
7 and duties.

8 1. Beginning July 1, 2013, the authority and
9 duties of the department of education, the state board
10 of education, and the director of the department of
11 education under this chapter, to the extent feasible,
12 shall be transferred to the boards of directors
13 for the respective school districts in the state.
14 Accordingly, beginning July 1, 2013, all references
15 to the department of education, the state board of
16 education, and the director of the department of
17 education under this chapter and references to the
18 department of education, the state board of education,
19 and the director of the department of education under
20 other provisions of law relating to this chapter shall
21 mean the applicable board of directors of the school
22 district.

23 2. Any rule, regulation, form, order, or directive
24 promulgated by the department of education, the state
25 board of education, or the director of the department
26 of education relative to the provisions of this chapter
27 in existence at the conclusion of the fiscal year
28 beginning July 1, 2012, shall continue in full force
29 and effect.

30 Sec. 83. NEW SECTION. 299A.1A Transfer of
31 authority and duties.

32 1. Beginning July 1, 2013, the authority and
33 duties of the department of education, the state board
34 of education, and the director of the department of
35 education under this chapter, to the extent feasible,
36 shall be transferred to the boards of directors
37 for the respective school districts in the state.
38 Accordingly, beginning July 1, 2013, all references
39 to the department of education, the state board of
40 education, and the director of the department of
41 education under this chapter and references to the
42 department of education, the state board of education,
43 and the director of the department of education under
44 other provisions of law relating to this chapter shall
45 mean the applicable board of directors of the school
46 district.

47 2. Any rule, regulation, form, order, or directive
48 promulgated by the department of education, the state
49 board of education, or the director of the department
50 of education relative to the provisions of this chapter

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1 in existence at the conclusion of the fiscal year
2 beginning July 1, 2012, shall continue in full force
3 and effect.

4 Sec. 84. NEW SECTION. 301.1A **Transfer of authority**
5 **and duties.**

6 1. Beginning July 1, 2013, the authority and
7 duties of the department of education, the state board
8 of education, and the director of the department of
9 education under this chapter, to the extent feasible,
10 shall be transferred to the boards of directors
11 for the respective school districts in the state.
12 Accordingly, beginning July 1, 2013, all references
13 to the department of education, the state board of
14 education, and the director of the department of
15 education under this chapter and references to the
16 department of education, the state board of education,
17 and the director of the department of education under
18 other provisions of law relating to this chapter shall
19 mean the applicable board of directors of the school
20 district.

21 2. Any rule, regulation, form, order, or directive
22 promulgated by the department of education, the state
23 board of education, or the director of the department
24 of education relative to the provisions of this chapter
25 in existence at the conclusion of the fiscal year
26 beginning July 1, 2012, shall continue in full force
27 and effect.

28 Sec. 85. **REPEAL.** Sections 260C.6, 276.4, and
29 291.10, Code 2011, are repealed.

30 Sec. 86. **REPEAL.** Chapters 256 and 290, Code and
31 Code Supplement 2011, are repealed.

32 Sec. 87. **EFFECTIVE DATE.** This division of this Act
33 takes effect July 1, 2013.

34 **DIVISION II**

35 **CORRESPONDING AMENDMENT LEGISLATION**

36 Sec. 88. **CORRESPONDING AMENDMENTS**

37 **LEGISLATION.** Additional legislation is required
38 to fully implement division I of this Act. The
39 director of the department of education shall, in
40 compliance with section 2.16, prepare draft legislation
41 for submission to the legislative services agency, as
42 necessary, to implement the transition and elimination
43 of authority and duties under division I of this Act
44 and to implement the transition and elimination of
45 authority and duties under other provisions of law
46 including but not limited to the duties and authority
47 of the department of education, the state board of
48 education, the director of the department of education,
49 and any division, commission, or subunit of such
50 entities or offices under chapters 7A, 7E, 8A, 8D, 8F,

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1 11, 12, 15, 15H, 16, 19B, 22, 48A, 68B, 73, 80E, 84A,
2 85, 96, 99B, 125, 135, 139A, 141A, 142A, 154B, 154F,
3 161A, 190A, 216A, 218, 220A, 225B, 225C, 232, 234, 237,
4 237A, 237B, 239B, 241, 249A, 257, 307A, 321, 321J, 322,
5 350, 423E, 423F, 455A, 455E, 473, 514I, 714, and 904.

6 DIVISION III

7 EDUCATION FINANCE AND

8 EDUCATION SAVINGS GRANTS

9 Sec. 89. Section 8.6, Code Supplement 2011, is
10 amended by adding the following new subsection:

11 NEW SUBSECTION. 18. *Education savings grant*
12 *applications.* Adopt rules relating to applications
13 for an education savings grant pursuant to section
14 257.3B, including application processing timelines,
15 and required information for submission by a parent or
16 guardian.

17 Sec. 90. Section 12D.3, subsection 1, paragraph a,
18 Code 2011, is amended to read as follows:

19 a. Each participation agreement may require a
20 participant to agree to invest a specific amount of
21 money in the trust for a specific period of time for
22 the benefit of a specific beneficiary. A participant
23 shall not be required to make an annual contribution
24 on behalf of a beneficiary. The maximum contribution
25 that may be deducted for Iowa income tax purposes shall
26 not exceed two thousand dollars per beneficiary per
27 year adjusted annually to reflect increases in the
28 consumer price index. A contribution to an account
29 that is the result of a transfer from an account in
30 the education savings grant fund under section 257.3B
31 shall not be considered a contribution that may be
32 deducted for Iowa income tax purposes. The treasurer
33 of state shall set an account balance limit to maintain
34 compliance with section 529 of the Internal Revenue
35 Code. A contribution shall not be permitted to the
36 extent it causes the aggregate balance of all accounts
37 established for the same beneficiary to exceed the
38 applicable account balance limit.

39 Sec. 91. Section 257.1, subsection 2, Code 2011, is
40 amended by striking the subsection.

41 Sec. 92. NEW SECTION. 257.1A **Transfer of authority**
42 **and duties.**

43 1. Beginning July 1, 2013, the authority and
44 duties of the department of education, the state board
45 of education, and the director of the department of
46 education under this chapter shall be transferred to
47 the department of management and the director of the
48 department of management. Accordingly, beginning July
49 1, 2013, all references to the department of education
50 under this chapter and references to the department of

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1 education under other provisions of law relating to
2 this chapter shall mean the department of management
3 and all references to the state board of education or
4 the director of the department of education under this
5 chapter or other provisions of law relating to this
6 chapter shall mean the director of the department of
7 management.

8 2. Any moneys remaining in any account or fund
9 under the control of the department of education at
10 the conclusion of the fiscal year beginning July 1,
11 2012, relative to the provisions of this chapter shall
12 be transferred to the control of the department of
13 management for such purposes. Notwithstanding section
14 8.33, the moneys transferred in accordance with this
15 subsection shall not revert to the account or fund from
16 which appropriated or transferred.

17 3. Any contract entered into by the department of
18 education relating to the provisions of this chapter in
19 effect at the conclusion of the fiscal year beginning
20 July 1, 2012, shall continue in full force and effect
21 pending transfer of such contracts to the department of
22 management.

23 4. Any rule, regulation, form, order, or directive
24 promulgated by the department of education relative
25 to the provisions of this chapter in existence at the
26 conclusion of the fiscal year beginning July 1, 2012,
27 shall continue in full force and effect until amended,
28 repealed, or supplemented by affirmative action of the
29 department of management under the duties and powers
30 established in this chapter and under the procedure
31 established in subsection 5.

32 5. In regard to updating references and format in
33 the Iowa administrative code in order to correspond
34 to the transferring of duties of this chapter, the
35 administrative rules coordinator and the administrative
36 rules review committee, in consultation with the
37 administrative code editor, shall jointly develop
38 a schedule for the necessary updating of the Iowa
39 administrative code.

40 Sec. 93. Section 257.2, subsections 3, 5, 6, and
41 10, Code 2011, are amended by striking the subsections.

42 Sec. 94. Section 257.2, subsection 9, paragraph a,
43 Code 2011, is amended to read as follows:

44 a. ~~Foundation aid~~ Tuition collected by the school
45 district pursuant to section 257.3A.

46 Sec. 95. Section 257.3, subsection 1, paragraph b,
47 Code 2011, is amended by striking the paragraph.

48 Sec. 96. NEW SECTION. 257.3A Education savings
49 grant — tuition.

50 A school district may collect as tuition from each

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1 pupil enrolled in the school district an amount not
2 to exceed the education savings grant received by the
3 pupil for that school year under section 257.3B.
4 Sec. 97. NEW SECTION. **257.3B Education savings**
5 **grant program.**
6 1. Pupils residing in this state eligible to enroll
7 in grades kindergarten through twelve, and enrolled
8 in a public school, attending an accredited nonpublic
9 school, or receiving competent private instruction
10 under chapter 299A shall be eligible to receive an
11 education savings grant in the manner provided in this
12 section for school years beginning on or after July 1,
13 2013. Education savings grants shall be available for
14 disbursement to parents and guardians for the payment
15 of qualified education expenses as provided in this
16 section.
17 2. a. (1) By January 31 preceding the school year
18 for which the education savings grant is requested, the
19 parent or guardian of the pupil requesting to receive
20 an education savings grant shall submit an application
21 to the department of management, on application forms
22 developed by the department, indicating that the parent
23 or guardian intends to enroll the pupil in either a
24 public school or an accredited nonpublic school, or
25 provide competent private instruction for the pupil
26 under chapter 299A.
27 (2) In addition to such information deemed
28 appropriate by the department of management, the
29 application shall require the following information:
30 (a) Certification from the public school or the
31 accredited nonpublic school of the pupil's enrollment
32 for the following school year, or a statement
33 indicating the parent or guardian's intent to provide
34 or arrange for competent private instruction for the
35 pupil for the following school year.
36 (b) Certification from the parent or guardian of
37 the pupil that an account has been established in the
38 pupil's name in the Iowa education savings plan trust
39 pursuant to chapter 12D.
40 b. By March 1 preceding the school year for
41 which the education savings grant is requested, the
42 department of management shall certify the number
43 of pupils in each school district designated for the
44 following school year to receive an education savings
45 grant. The department of management shall also notify
46 the parent or guardian of such pupils who are approved
47 to receive an education savings grant.
48 c. Education savings grants shall only be approved
49 for one school year and applications must be submitted
50 under paragraph "a" for education savings grants in

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1 subsequent school years.
2 3. *a.* The department of management shall assign
3 each pupil an education savings grant of three thousand
4 seven hundred dollars.
5 *b.* The department of management shall on July 1
6 transfer such amounts to the pupil's account in the
7 Iowa education savings grant fund established under
8 subsection 4. Such amount shall be available for
9 disbursement to the pupil's parent or guardian for the
10 payment of qualified educational expenses incurred by
11 such persons for the pupil during that school year.
12 4. An Iowa education savings grant fund is
13 created in the state treasury under the control of
14 the department of management consisting of moneys
15 appropriated to the department for the purpose of
16 providing education savings grants under this section.
17 For the fiscal year commencing July 1, 2013, and each
18 succeeding fiscal year, there is appropriated from
19 the general fund of the state to the department of
20 management the amount necessary to pay all education
21 savings grants approved for that fiscal year. The
22 director of the department of management has all powers
23 necessary to carry out and effectuate the purposes,
24 objectives, and provisions of this section pertaining
25 to the fund, including the power to do all of the
26 following:
27 *a.* Make and enter into contracts necessary for the
28 administration of the fund.
29 *b.* Procure insurance against any loss in connection
30 with the assets of the fund.
31 *c.* Make disbursements from a pupil's account within
32 the fund to the pupil's parents or guardians for the
33 payment of qualified educational expenses.
34 *d.* Make transfers to pupils' Iowa education savings
35 plan trust accounts established under chapter 12D.
36 *e.* Adopt rules pursuant to chapter 17A for the
37 administration of the fund and accounts within the
38 fund.
39 5. *a.* For each pupil approved for an education
40 savings grant, the department shall establish an
41 account for that pupil in the education savings grant
42 fund. The amount of the pupil's education savings
43 grant shall be deposited into the pupil's account on
44 July 1 and such amount shall be immediately available
45 for disbursement to parents and guardians upon filing
46 and approval of claims from the pupil's account for
47 qualified education expenses incurred by the parent or
48 guardian for the pupil during that fiscal year.
49 *b.* A parent or guardian of a pupil may on forms
50 prescribed by the department of management submit

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1 claims for disbursements of moneys within the account.
2 The department may by rule designate the appropriate
3 supporting documentation necessary for the disbursement
4 of moneys in an account including but not limited to
5 invoices of amounts due and receipts of amounts paid
6 for qualified education expenses.

7 *c.* The department of management shall upon
8 conclusion of the fiscal year and disbursement of
9 all claims submitted by a parent or guardian before
10 conclusion of the fiscal year transfer any remaining
11 amounts in the pupil's account within the education
12 savings grant fund to the pupil's Iowa education
13 savings plan trust account pursuant to chapter 12D.

14 6. For purposes of this section, "*qualified*
15 *educational expense*" includes tuition at a public
16 school collected under section 257.3A, tuition and
17 fees at an accredited nonpublic school, textbooks,
18 payment to a licensed or accredited tutor, curriculum
19 materials, tuition or fees for nonpublic online
20 education programs, education materials and services
21 for pupils with disabilities, standardized test fees,
22 and other expenses incurred by the parent or guardian
23 that are directly related to the education of the pupil
24 at a public school or an accredited nonpublic school
25 or directly related to providing competent private
26 instruction for the pupil under chapter 299A.

27 7. A person who makes a false claim for the purpose
28 of obtaining an education savings grant provided
29 for in this section or who knowingly receives the
30 grant without being legally entitled to it is guilty
31 of a fraudulent practice. The false claim for an
32 education savings grant shall be disallowed and if
33 amounts from the grant have been disbursed from the
34 applicable account in the education savings grant
35 fund or transferred to an Iowa education savings plan
36 trust account under chapter 12D, the department of
37 management shall initiate legal proceedings to recover
38 such amounts.

39 Sec. 98. Section 257.4, subsection 1, paragraph a,
40 Code 2011, is amended to read as follows:

41 *a.* A school district shall cause an additional
42 property tax to be levied each year. The rate of
43 the additional property tax levy in a school district
44 shall be determined by the department of management and
45 shall be calculated to raise the difference between
46 the ~~combined district cost~~ school district's total
47 certified budget for the budget year and the sum of the
48 following:

49 (1) ~~The product of the regular program foundation~~
50 ~~base per pupil times the weighted enrollment in the~~

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1 ~~district~~ The amount raised by the foundation property
2 ~~tax for the budget year in the school district.~~
3 (2) ~~The product of special education support~~
4 ~~services foundation base per pupil times the special~~
5 ~~education support services weighted enrollment in the~~
6 ~~district~~ The total amount of tuition collected from
7 ~~pupils within the district for the budget year pursuant~~
8 ~~to section 257.3A.~~
9 (3) The total teacher salary supplement district
10 cost.
11 (4) The total professional development supplement
12 district cost.
13 (5) The total early intervention supplement
14 district cost.
15 (6) The total area education agency teacher salary
16 supplement district cost.
17 (7) The total area education agency professional
18 development supplement district cost.
19 Sec. 99. Section 257.4, subsection 1, paragraph b,
20 Code 2011, is amended by striking the paragraph.
21 Sec. 100. Section 257.4, subsection 2, Code 2011,
22 is amended by striking the subsection.
23 Sec. 101. Section 257.6, subsection 1, paragraph
24 a, Code 2011, is amended by adding the following new
25 subparagraph:
26 NEW SUBPARAGRAPH. (8) Resident pupils receiving
27 an education savings grant pursuant to section 257.3B
28 and not included in the actual enrollment under another
29 provision of this paragraph.
30 Sec. 102. Section 257.6, subsections 3 and 5, Code
31 2011, are amended by striking the subsections.
32 Sec. 103. Section 257.7, subsection 1, Code 2011,
33 is amended to read as follows:
34 1. *Budgets.* School districts are subject to
35 chapter 24. The authorized expenditures of a school
36 district ~~during a base year shall not exceed the lesser~~
37 ~~of the budget for that year certified under section~~
38 ~~24.17 plus any allowable amendments permitted in this~~
39 ~~section, or the authorized certified budget, which is~~
40 ~~the sum of the combined district cost for that year,~~
41 including the actual miscellaneous income received for
42 that year, and the actual unspent balance from the
43 preceding year.
44 Sec. 104. Section 257.8, subsections 1, 3, 4, 5, 6,
45 and 7, Code Supplement 2011, are amended by striking
46 the subsections.
47 Sec. 105. Section 257.9, subsections 1 through 5,
48 Code 2011, are amended by striking the subsections.
49 Sec. 106. Section 257.10, subsections 1 through 8,
50 Code 2011, are amended by striking the subsections.

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1 Sec. 107. Section 257.16, subsections 1 and 4, Code
2 2011, are amended to read as follows:

3 1. There is appropriated each year from the general
4 fund of the state an amount necessary to pay the
5 foundation aid and education savings grants under this
6 chapter, and the preschool foundation aid under chapter
7 256C, ~~supplementary aid under section 257.4, subsection~~
8 ~~2, and adjusted additional property tax levy aid under~~
9 ~~section 257.15, subsection 4.~~

10 4. Notwithstanding any provision to the contrary,
11 if the governor orders budget reductions in accordance
12 with section 8.31, the teacher salary supplement
13 district cost, the professional development supplement
14 district cost, and the early intervention supplement
15 district cost as calculated under section 257.10,
16 subsections 9, 10, and 11, and the area education
17 agency teacher salary supplement district cost and
18 the area education agency professional development
19 supplement district cost as calculated under section
20 257.37A, subsections 1 and 2, shall be paid in full as
21 calculated and the reductions in the appropriations
22 provided in accordance with this section shall be
23 reduced from the remaining moneys appropriated pursuant
24 to this section and shall be distributed on a per
25 pupil basis ~~calculated with the weighted enrollment~~
26 ~~determined in accordance with section 257.6, subsection~~
27 5.

28 Sec. 108. Section 257.30, Code 2011, is amended to
29 read as follows:

30 **257.30 School budget review committee.**

31 1. A school budget review committee is established
32 in the department of education management and consists
33 of the director of the department of education
34 management in an ex officio, nonvoting capacity, ~~the~~
35 ~~director of the department of management~~, and four
36 members who are knowledgeable in the areas of Iowa
37 school finance or public finance issues appointed
38 by the governor to represent the public. At least
39 one of the public members shall possess a master's
40 or doctoral degree in which areas of school finance,
41 economics, or statistics are an integral component,
42 or shall have equivalent experience in an executive
43 administrative or senior research position in the
44 education or public administration field. The members
45 appointed by the governor shall serve staggered
46 three-year terms beginning and ending as provided in
47 section 69.19 and are subject to senate confirmation as
48 provided in section 2.32. The committee shall meet and
49 hold hearings each year and shall continue in session
50 until it has reviewed budgets of school districts, as

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1 provided in section 257.31. The committee may call
2 in school board members and employees as necessary
3 for the hearings. The committee's scheduled hearing
4 agendas and the minutes of such hearings shall be
5 posted on the department of education's internet site.
6 Legislators shall be notified of hearings concerning
7 school districts in their legislative districts.
8 2. The committee shall adopt its own rules of
9 procedure under chapter 17A. The director of the
10 department of ~~education~~ management shall serve as
11 chairperson, and the a public member designated by the
12 director of the department of management shall serve
13 as secretary. The committee members representing the
14 public are entitled to receive their necessary expenses
15 while engaged in their official duties. Members shall
16 be paid a per diem at the rate specified in section
17 7E.6. Per diem and expense payments shall be made
18 from appropriations to the department of ~~education~~
19 management.
20 3. The department of ~~education~~ management shall
21 employ a staff member to assist the school budget
22 review committee.
23 Sec. 109. Section 257.34, Code 2011, is amended to
24 read as follows:
25 **257.34 Cash reserve information.**
26 If a school district receives less state ~~school~~
27 ~~foundation aid under section 257.1~~ than is due under
28 ~~that section~~ this chapter for a base year and the
29 school district uses funds from its cash reserve during
30 the base year to make up for the amount of state aid
31 not paid, the board of directors of the school district
32 shall include in its general fund budget document
33 information about the amount of the cash reserve used
34 to replace state ~~school foundation~~ aid not paid.
35 Sec. 110. Section 257.37A, subsection 1, paragraph
36 c, subparagraph (1), Code 2011, is amended to read as
37 follows:
38 (1) The unadjusted area education agency teacher
39 salary supplement district cost is the area education
40 agency teacher salary supplement district cost per
41 pupil for each area education agency for a budget year
42 multiplied by the special education support services
43 ~~weighted~~ enrollment for that area education agency.
44 Sec. 111. Section 257.37A, subsection 2, paragraph
45 c, subparagraph (1), Code 2011, is amended to read as
46 follows:
47 (1) The unadjusted area education agency
48 professional development supplement district cost is
49 the area education agency professional development
50 supplement district cost per pupil for each area

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1 education agency for a budget year multiplied by the
2 special education support services ~~weighted~~ enrollment
3 for that area education agency.

4 Sec. 112. REPEAL. Sections 257.5, 257.11, 257.11A,
5 257.12, 257.13, 257.14, 257.15, 257.16A, 257.18,
6 257.19, 257.20, 257.21, 257.22, 257.23, 257.24, 257.25,
7 257.26, 257.27, 257.28, 257.29, 257.38, 257.39, 257.40,
8 257.41, 257.42, 257.43, 257.44, 257.45, 257.46, 257.47,
9 257.48, and 257.49, Code 2011, are repealed.

10 Sec. 113. APPLICABILITY. This division of this
11 Act applies to school budget years and fiscal years
12 beginning on or after July 1, 2013.

13 Sec. 114. EFFECTIVE DATE. This division of this
14 Act takes effect July 1, 2013.

15 DIVISION IV

16 CORRESPONDING AMENDMENTS LEGISLATION

17 Sec. 115. CORRESPONDING AMENDMENTS
18 LEGISLATION. Additional legislation is required
19 to fully implement division III of this Act. The
20 director of the department of education shall, in
21 compliance with section 2.16, prepare draft legislation
22 for submission to the legislative services agency, as
23 necessary, to implement the transition and elimination
24 of authority and duties of the department of education,
25 the state board of education, and director of the
26 department of education under division III of this Act,
27 to implement the school finance modifications under
28 division III of this Act, to implement the education
29 savings grant program created in division III of this
30 Act, and to implement the transition and elimination
31 of authority and duties under other provisions of law
32 including but not limited to the duties and authority
33 of the department of education, the state board of
34 education, the director of the department of education,
35 and any division, commission, or subunit of such
36 entities or offices under chapters 11, 24, 256B, 256C,
37 256D, 256F, 257, 260C, 261E, 273, 275, 279, 280, 282,
38 284, 284A, 285, 298, 299A, 301, 321, 331, 422, 423E,
39 and 423F.>

40 2. Title page, by striking lines 1 through 4 and
41 inserting <An Act relating to education and school
42 district funding by abolishing the department of
43 education and the state board of education, modifying
44 the duties and authority of certain state and local
45 governmental entities, establishing an education
46 savings grant program and fund, making appropriations,
47 modifying the school district funding formula,
48 providing penalties, and including effective date and
49 applicability provisions.>

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BRAD ZAUN



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House File 2399

S-5179

- 1 Amend the amendment, S-5159, to House File 2399,
2 as amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 1, after line 13 by inserting:
5 <____. Page 2, by striking line 33 and inserting:
6 <5. A person who violates subsection 2, paragraph
7 "a", or a person who conducts a scrap metal transaction
8 by or on behalf of a scrap metal dealer who violates
9 this section shall be subject to a>>
10 2. Page 1, lines 27 and 28, by striking <law
11 enforcement>
12 3. By renumbering as necessary.

TOM HANCOCK



Iowa General Assembly
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Senate File 2284

S-5180

1 Amend Senate File 2284 as follows:

2 1. Page 6, after line 7 by inserting:

3 <Sec. _____. Section 279.19, Code 2011, is amended to
4 read as follows:

5 **279.19 Probationary period.**

6 1. ~~The~~ For a teacher first employed by a school
7 district on or after July 1, 2012, the first three five
8 consecutive years of employment of a the teacher in the
9 same that school district are a probationary period.
10 However, if the teacher has successfully completed a
11 probationary period of employment for another school
12 district located in Iowa, the probationary period in
13 the current district of employment shall not exceed one
14 year. A board of directors may waive the probationary
15 period for any teacher who previously has served a
16 probationary period in another school district and
17 the board may extend the probationary period for an
18 additional year with the consent of the teacher.

19 2. In the case of the termination of a probationary
20 teacher's contract, the provisions of sections 279.15
21 and 279.16 shall apply. ~~However, if the probationary~~
22 ~~teacher is a beginning teacher who fails to demonstrate~~
23 ~~competence in the Iowa teaching standards in accordance~~
24 ~~with chapter 284, the provisions of sections 279.17 and~~
25 ~~279.18 shall also apply.~~

26 3. The board's decision shall be final and binding
27 unless the termination was based upon an alleged
28 violation of a constitutionally guaranteed right of
29 the teacher or an alleged violation of public employee
30 rights of the teacher under section 20.10.

31 4. Notwithstanding any provision to the contrary,
32 the grievance procedures of section 20.18 relating to
33 job performance or job retention shall not apply to a
34 teacher during the first two years of the teacher's
35 probationary period. However, except as provided in
36 section 284.8, this paragraph subsection shall not
37 apply to a teacher who has successfully completed a
38 probationary period in a school district in Iowa.

39 Sec. _____. Section 279.24, subsection 4, Code 2011,
40 is amended to read as follows:

41 4. Administrators employed in a school district for
42 less than ~~two~~ five consecutive years are probationary
43 administrators. However, a school board may waive
44 the probationary period for any administrator who has
45 previously served a probationary period in another
46 school district and the school board may extend the
47 probationary period for an additional year with the
48 consent of the administrator. If a school board
49 determines that it should terminate a probationary
50 administrator's contract, the school board shall

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1 notify the administrator not later than May 15 that
2 the contract will not be renewed beyond the current
3 year. The notice shall be in writing by letter,
4 personally delivered, or mailed by certified mail. The
5 notification shall be complete when received by the
6 administrator. Within ~~ten~~ five days after receiving
7 the notice, the administrator may request a private
8 conference with the school board to discuss the
9 reasons for termination. The school board's decision
10 to terminate a probationary administrator's contract
11 shall be final unless the termination was based upon
12 an alleged violation of a constitutionally guaranteed
13 right of the administrator.>
14 2. By renumbering as necessary.

SHAWN HAMERLINCK



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Senate File 2284

S-5181

1 Amend Senate File 2284 as follows:

2 1. Page 31, after line 21 by inserting:

3 <DIVISION

4 SCHOOL START DATE PROVISIONS

5 Sec. _____. Section 257.17, Code 2011, is amended to
6 read as follows:

7 **257.17 Aid reduction for early school starts.**

8 State aid payments made pursuant to section
9 257.16 for a fiscal year shall be reduced by one
10 one-hundred-eightieth for each day of that fiscal year
11 for which the school district begins school before the
12 earliest starting date specified in section 279.10,
13 subsection 1. However, this section does not apply to
14 a school district that has received approval from the
15 director of the department of education under section
16 279.10, subsection 4, to commence classes for regularly
17 established elementary and secondary schools in advance
18 of the starting date established in for a pilot program
19 for an innovative school year in accordance with
20 section 279.10, subsection 3.

21 Sec. _____. Section 279.10, subsections 1 and 2, Code
22 2011, are amended to read as follows:

23 1. The school year shall begin on the first day
24 of July and each regularly established elementary
25 and secondary school shall begin no sooner than a day
26 during the calendar week in which the first day of
27 September falls the fourth Monday in August but no
28 later than the first Monday in December. However, if
29 the first day of September falls on a Sunday, school
30 may begin on a day during the calendar week which
31 immediately precedes the first day of September unless
32 the school district has received approval from the
33 department of education for a pilot program for an
34 innovative school year in accordance with subsection 3.
35 School shall continue for at least one hundred eighty
36 days, except as provided in subsection 3, and may be
37 maintained during the entire calendar year. However,
38 if the board of directors of a district extends the
39 school calendar because inclement weather caused the
40 district to temporarily close school during the regular
41 school calendar, the district may excuse a graduating
42 senior who has met district or school requirements for
43 graduation from attendance during the extended school
44 calendar. A school corporation may begin employment
45 of personnel for in-service training and development
46 purposes before the date to begin elementary and
47 secondary school. The earliest starting date specified
48 in this subsection shall not apply to a school district
49 which maintains a year around three semester school
50 year.

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1 2. The board of directors shall hold a public
2 hearing on any ~~proposal~~ request made pursuant to
3 subsection 3 prior to submitting it to the department
4 of education for approval.
5 Sec. _____. Section 279.10, subsection 4, Code 2011,
6 is amended by striking the subsection.
7 Sec. _____. EFFECTIVE DATE. This division of this
8 Act takes effect July 1, 2013.
9 Sec. _____. APPLICABILITY. This division of this Act
10 is applicable for school years beginning on or after
11 July 1, 2013.>
12 2. Title page, line 4, after <schools> by inserting
13 <and including effective date and applicability
14 provisions>
15 3. By renumbering as necessary.

DAVID JOHNSON

DICK L. DEARDEN



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Senate Study Bill 3199 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
WAYS AND MEANS BILL BY
CHAIRPERSON BOLKCOM)

A BILL FOR

1 An Act relating to property taxation by modifying provisions
2 relating to equalization orders and requiring certain
3 equalization order notices.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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S.F. _____

1 Section 1. Section 441.26, subsection 2, Code Supplement
2 2011, is amended to read as follows:
3 2. The notice in 1981 and each odd-numbered year thereafter
4 shall contain a statement that the assessments are subject to
5 equalization pursuant to an order issued by the director of
6 revenue, that the county auditor shall give notice on or before
7 October 15 by both individual notices mailed to each commercial
8 or industrial property owner or taxpayer whose valuations have
9 been adjusted by the equalization order and publication in
10 an official newspaper of general circulation to any class of
11 property affected by the equalization order, and that the board
12 of review shall be in session from October 15 to November 15 to
13 hear protests of affected property owners or taxpayers whose
14 valuations have been adjusted by the equalization order.
15 Sec. 2. Section 441.49, Code Supplement 2011, is amended by
16 adding the following new subsection:
17 NEW SUBSECTION. 1A. If a property owner or aggrieved
18 taxpayer who is dissatisfied with the owner's or taxpayer's
19 assessment files a protest against such assessment with the
20 board of review during the board of review's session specified
21 in section 441.33 and the board of review's final disposition
22 of the protest results in a reduction in the assessment, the
23 assessment of such parcel shall not be subject to an increase
24 in valuation as the result of an equalization order of the
25 director of revenue issued during the same assessment year for
26 which the owner's or taxpayer's assessment was reduced by the
27 local board of review.
28 Sec. 3. Section 441.49, subsection 2, paragraph a, Code
29 Supplement 2011, is amended to read as follows:
30 a. On or before October 15 the county auditor shall notify
31 by mail each commercial or industrial property owner or
32 taxpayer whose valuations have been adjusted by an equalization
33 order and cause to be published in official newspapers of
34 general circulation the final equalization order. The
35 individual notices mailed to each affected commercial or



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1 industrial property owner or taxpayer and the publication shall
2 include, in type larger than the remainder of the notice or
3 publication, the following statement statements:
4 Assessed values are equalized by the department of revenue
5 every two years. Local taxing authorities determine the final
6 tax levies and may reduce property tax rates to compensate
7 for any increase in valuation due to equalization. If you
8 are not satisfied that your assessment as adjusted by the
9 equalization order is correct, you may file a protest against
10 such assessment with the board of review on or after October
11 15, to and including October 25.

12 EXPLANATION

13 This bill relates to property taxation by modifying
14 provisions relating to equalization orders and requiring
15 certain equalization order notices.

16 Current Code section 441.47 requires the department of
17 revenue to, in each odd-numbered year, order the equalization
18 of the levels of assessment of each class of property in the
19 several assessing jurisdictions by adding to or deducting
20 from the valuation of each class of property if the aggregate
21 assessed valuation of that class of property is at least 5
22 percent above or below the valuation of that class of property
23 statewide. Current Code section 441.26 requires the county
24 auditor to publish notice of such final equalization order
25 in an official newspaper of general circulation. The bill
26 requires the county auditor, in addition to the published
27 notice, to provide individual notices mailed to each commercial
28 or industrial property owner or taxpayer whose valuations
29 have been adjusted by the equalization order. The bill also
30 specifies certain statements that must appear on such notices,
31 including a statement of the owner's or taxpayer's ability
32 to file a protest against an assessment adjusted by the
33 equalization order with the local board of review if the owner
34 or taxpayer is not satisfied with the adjusted assessment.

35 The bill provides that if a property owner or aggrieved



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1 taxpayer who is dissatisfied with the owner's or taxpayer's
2 assessment files a protest against such assessment with the
3 board of review during the board of review's session specified
4 in current Code section 441.33 and the board of review's final
5 disposition of the protest results in a reduction in the
6 assessment, the assessment of such parcel shall not be subject
7 to an increase in valuation as the result of an equalization
8 order of the director of revenue issued during the same
9 assessment year for which the owner's or taxpayer's assessment
10 was reduced by the local board of review.